

MEMORANDUM OF UNDERSTANDING

For Integrated Regional Water Management in the Greater Monterey County Region

1. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to recognize a mutual understanding among entities in the greater Monterey County area regarding their joint efforts toward Integrated Regional Water Management (IRWM) planning. Under this agreement, the Regional Water Management Group (RWMG) partners commit to participate in the ongoing process established pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act (also known as Proposition 84) and develop a comprehensive Integrated Regional Water Management Plan (IRWMP) for the Greater Monterey County IRWM Region. This agreement sets forth the mutual responsibilities of the RWMG in the development of an IRWMP.

2. BACKGROUND

In November of 2002, Proposition 50 (the “Water Security, Clean Drinking Water, Coastal and Beach Protection Act”) was passed by California voters, approving Chapter 8 and the Integrated Regional Water Management Program. The purpose of the IRWM Program is to “encourage integrated regional strategies for management of water resources and to provide funding, through competitive grants, for projects that protect communities from drought, protect and improve water quality, and improve local water security by reducing dependence on imported water.” Proposition 50 amended the California Water Code to authorize the Legislature to appropriate \$500 million for integrated regional water management projects.

In November 2006, California voters passed Proposition 84, the “Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Act of 2006.” Administered by the Department of Water Resources, Proposition 84 includes an additional \$1 billion in funding for the IRWM Grant Program, including \$52 million for the Central Coast hydrologic region. Proposition 1E, the “Disaster Preparedness and Flood Prevention Bond Act of 2006,” was also passed in 2006, authorizing the State to sell \$4.09 billion in bonds to rebuild and repair California’s most vulnerable flood control structures, and to protect California’s drinking water supply system by rebuilding delta levees that are vulnerable to earthquakes and storms.

In order to be eligible for grant funds through the IRWM Grant Program, a project must be contained within an adopted IRWM Plan (IRWMP) developed in accordance with guidelines set forth by the State. Three IRWMPs covering geographic areas within Monterey County were developed under Proposition 50:

- Pajaro River Watershed IRWMP (May 2007), including portions of San Benito and Santa Clara Counties
- Monterey Peninsula, Carmel Bay and South Monterey Bay IRWMP (November 2007, amended March 2009)

- Salinas Valley IRWM Functionally Equivalent Plan (May 2006, amended October 2008)

Together these plans covered most of the Salinas Valley, all of the Pajaro River watershed, all of the Carmel River and San Jose Creek watersheds, and the Monterey Peninsula. However, many key areas of Monterey County were not represented within any of these plans, leaving significant coverage voids for the purposes of IRWM planning and project implementation. These areas include, specifically: the Big Sur coastal watersheds and communities on the western side of the Santa Lucia Range, from Pt. Lobos south to the San Luis Obispo County line; the larger Salinas River watershed from the Salinas River National Wildlife Refuge at the Pacific Ocean south to the San Luis Obispo County line and including the east and west ranges of the valley; the Gabilan watershed; and portions of western San Benito County.

Representatives of the Central Coast IRWM Regions (including the three noted above plus Northern Santa Cruz County, San Luis Obispo County, and Santa Barbara County Regions) agreed during a meeting in February 2008 that the Salinas Valley plan should be expanded to include those areas of Monterey County that had not been represented in previous plans. A Regional Water Management Group has been formed to lead the effort in developing a new IRWMP which will supersede the Salinas Valley IRWM Functionally Equivalent Plan. The new Region eliminates all previous IRWM area coverage voids within Monterey County, and is called the “Greater Monterey County” Region.

This MOU recognizes the joint commitment of the undersigned parties to develop an IRWMP for the Greater Monterey County Region. The MOU does not impose any further commitments or obligations upon any signatory party other than to participate in this process of IRWMP development. The resulting IRWMP will enable agencies and organizations in the Greater Monterey County Region to apply for Proposition 84 and Proposition 1E grant funds to support water resource management projects in the Region. The IRWMP may also serve as a basis for obtaining grant funds through other sources, such as the federal Clean Water Act Section 319 Nonpoint Source Implementation Program, the U.S. Bureau of Reclamation’s Title XVI Program, and other Federal, State, and private funding programs.

3. DEFINITIONS

- 3.1 **IRWM Region (Region).** The area defined by a RWMG for the purposes of integrated regional water resource planning and project implementation. At a minimum, a Region is defined as a contiguous geographic area encompassing the service areas of multiple local agencies; is defined to maximize the opportunities to integrate water management activities; and effectively integrates water management programs and projects within a hydrologic region defined in the California Water Plan, the Regional Water Quality Control Board region, or subdivision or other region specifically identified by the Department of Water Resources.
- 3.2 **Regional Water Management Group (RWMG).** A group in which three or more local agencies, at least two of which have statutory authority over water supply or water management, as well as those other persons who may be necessary for the

development and implementation of a plan that meets the requirements of IRWM planning, participate by means of an MOU or other written agreement that is approved by the governing bodies of those local agencies.

- 3.3 **Integrated Regional Water Management Plan (IRWMP).** An IRWMP is, in essence, a plan for applying to the State for IRWM grant funds to support various water resource-related projects within a defined planning Region. The plan must be developed according to certain guidelines set forth by the State. These guidelines lead the RWMG through a process that is intended to foster integrated regional water management planning in the original spirit of the legislation.

Specifically, the guidelines ensure that a RWMG: considers the major water-related issues and conflicts within its Region; identifies goals and objectives for the Region in relation to IRWM planning; considers a broad variety of water management strategies for water resource management within the Region; identifies disadvantaged communities in the Region and takes the water-related needs of those communities into consideration; considers greenhouse gas emissions of programs and projects included in the plan; evaluates the adaptability to climate change of water management systems in the Region; and ultimately identifies the appropriate mix of water demand and supply management alternatives, water quality protections, and environmental stewardship actions to provide long-term, reliable, and high quality water supply and protect the environment. The result and culmination of this process—the *raison d'être* and “core” of the plan—is a prioritized list of projects that will be submitted to the State of California in application for IRWM grant funds.

4. GOALS

The goals of the collaborative effort undertaken pursuant to this MOU are as follows:

- 4.1 To develop and adopt a comprehensive IRWMP for the Region that will consider the strategies that are required by the State under Part 2.2 of Division 6 (commencing with Section 10530) of the California Water Code. Water management strategies that must be considered in the IRWMP include: ecosystem restoration, environmental and habitat protection and improvement, water supply reliability, flood management, groundwater management, recreation and public access, storm water capture and management, water conservation, water quality protection and improvement, water recycling, and wetlands enhancement and creation. Optional additional strategies that may be considered include: conjunctive use, desalination, imported water, land use planning, nonpoint source pollution control, promotion of the steelhead run, surface storage, watershed planning, water and wastewater treatment, and water transfers.
- 4.2 To develop a comprehensive IRWMP for the Region that incorporates water supply, water quality, flood and erosion protection, and environmental protection and enhancement objectives. At a minimum, the plan shall address all of the following:
- a) Protection and improvement of water supply reliability, including identification of feasible agricultural and urban water use efficiency strategies.

- b) Identification and consideration of the drinking water quality of communities within the area of the plan.
 - c) Protection and improvement of water quality within the area of the plan, consistent with the relevant basin plan.
 - d) Identification of any significant threats to groundwater resources from overdrafting.
 - e) Protection, restoration, and improvement of stewardship of aquatic, riparian, and watershed resources within the region.
 - f) Protection of groundwater resources from contamination.
 - g) Identification and consideration of the water-related needs of disadvantaged communities in the area within the boundaries of the plan.
- 4.3 To improve and maximize coordination of individual public, private, and non-profit agency plans, programs and projects for mutual benefit and optimal gain within the Region.
 - 4.4 To help identify, develop, and implement collaborative plans, programs, and projects that may be beyond the scope or capability of individual entities, but which would be of mutual benefit if implemented in a cooperative manner.
 - 4.5 To foster coordination, collaboration and communication between stakeholders and other interested parties, to achieve greater efficiencies, enhance public services, and build public support for vital projects.
 - 4.6 To realize regional water management objectives at the least cost possible through mutual cooperation, elimination of redundancy, and enhanced regional competitiveness for State, Federal, and private sources of grant funding.

5. MUTUAL UNDERSTANDING

- 5.1 **Geographic Scope of the Greater Monterey County IRWM Region:** The Greater Monterey County IRWM Region includes the entirety of Monterey County exclusive of the Pajaro River Watershed IRWM Region and Monterey Peninsula, Carmel Bay, and South Monterey Bay IRWM Region established under Proposition 50, and in addition encompasses a small portion of San Benito County where the Salinas River watershed extends outside of Monterey County.
- 5.2 **Regional Water Management Group for the Greater Monterey County IRWM Region:** The RWMG for the Greater Monterey County Region consists of 18 entities with responsibility and interests in management of water resources that have agreed to form for the purposes of developing an IRWMP consistent with the guidelines set forth by the State of California for integrated regional water management. The RWMG for Greater Monterey County comprises the following public, private, and non-profit entities and groups:

- Big Sur Land Trust
- California Coastal Commission
- California State University Monterey Bay
- California Water Service Company
- Castroville Community Services District
- City of Salinas
- Coastlands Mutual Water Company
- Elkhorn Slough National Estuarine Research Reserve
- Environmental Justice Coalition for Water
- Garrapata Creek Watershed Council
- Marina Coast Water District
- Monterey Bay National Marine Sanctuary
- Monterey County Agricultural Commissioner's Office
- Monterey County Water Resources Agency
- Monterey Regional Water Pollution Control Agency
- Moss Landing Marine Laboratories
- Resource Conservation District of Monterey County
- San Jerardo Cooperative, Inc.

- 5.3 Governance and Decision-making Related to IRWMP Development:** Governance and decision-making related to development of the IRWMP will follow the structure and procedures outlined in the Greater Monterey County RWMG Bylaws, which are incorporated by reference.
- 5.4 Adoption of the IRWMP:** Upon completion of the Greater Monterey County IRWMP, RWMG members shall each accept, approve, or adopt the plan through resolution by their governing boards or by other means according to organizational protocol.
- 5.5 Amendment of the IRWMP:** The IRWMP and prioritized project list may be amended from time to time by majority vote of the RWMG. Any RWMG member or stakeholder may request that a meeting of the RWMG be convened for the purposes of amending the IRWMP. However, it is anticipated that the IRWMP or prioritized project list will be amended no more frequently than annually.
- 5.6 Grant Applications and Awards:** The RWMG will designate a Lead Agency to apply for State IRWM grant funds for projects within the Greater Monterey County Region. The Lead Agency will be the grantee and will administer the grant on behalf of the RWMG and project proponents.
- 5.7 Project Implementation and Monitoring:** Project proponents will be responsible for implementing proposed projects and for providing project reports to the Lead Agency. The Lead Agency will be responsible for coordinating data collection and dissemination. The RWMG will be responsible for monitoring the implementation of the IRWMP.

- 5.8 **RWMG Member Roles and Responsibilities:** RWMG members will not be required, but will be expected to attend all RWMG meetings. RWMG meetings will be held on a monthly basis throughout the duration of plan development, and thereafter on a schedule to be determined most appropriate for continued integrated planning and plan updates. All member organizations will contribute staff time to participate in RWMG meetings, public workshops, and other RWMG activities, and will be expected (though not required) to assume various tasks related to IRWMP development and implementation, including participation on committees.
- 5.9 **Incorporation of New Members:** It is recognized that membership of the RWMG may change from time to time. Incorporation of new members into the RWMG will be decided on a case-by-case basis by majority vote of the RWMG. A new member will be required to sign the MOU and will be expected to actively participate as described herein. Lack of active participation by any RWMG organization may be grounds for removal from the RWMG, which would be decided by majority vote of the RWMG.
- 5.10 **Financial Costs:** RWMG activities will be funded mainly by in-kind contributions from RWMG members. All member organizations will contribute staff time to participate in RWMG meetings, public workshops, and other RWMG activities. Costs to cover consultant fees to develop and publish the IRWMP and to facilitate public workshops will be covered entirely through private grant funds that have been obtained by the Big Sur Land Trust. Funds for other costs related to IRWMP development and future plan amendments that cannot be covered through in-kind contributions will be obtained from grants or will be determined by the RWMG at that time.

6. GENERAL PROVISIONS GOVERNING MOU

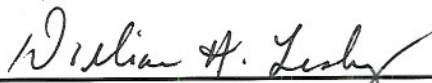
- 6.1 **Term:** This MOU shall become effective upon the date of the signature of all authorized representatives from each of the participating entities. This term shall continue in effect until terminated by the RWMG or until there are no longer any participating entities.
- 6.2 **Counterparts:** This MOU may be executed in any number of counterparts, each of which so executed shall be deemed to be an original. The counterparts shall together constitute one and the same MOU.
- 6.3 **Termination:** An entity signatory to this MOU may withdraw from participation upon 30 days advance notice to the other signatory entities.
- 6.4 **Amending the Agreement:** This MOU may be amended upon signed agreement by all authorized representatives.

- 6.5 **Relationship:** This agreement shall not be construed or deemed to create a fiscal relationship of partnership or joint venture among the parties.
- 6.6 **Good Faith:** Each RWMG member shall use its best efforts and work wholeheartedly and in good faith for the expeditious completion of the objectives of this MOU and the satisfactory performance of its terms.
- 6.7 **Rights of the Parties and Constituencies:** This MOU does not provide any added legal rights or regulatory powers to any of the signatory parties, or to the RWMG as a whole. This MOU does not of itself give any party the power to adjudicate water rights, or to regulate or otherwise control the private property of other parties. This MOU does not contemplate the parties taking any action that would adversely affect the rights of any of the parties, or that would adversely affect the customers or constituencies of any of the parties.

7. SIGNATORIES TO THE MEMORANDUM OF UNDERSTANDING

We, the duly authorized undersigned representatives of our respective entities, acknowledge the above as our understanding of the intent and expected outcome in overseeing the development and implementation of an Integrated Regional Water Management Plan for the Greater Monterey County IRWM Region.

REGIONAL WATER MANAGEMENT GROUP



William H. Leahy, Executive Director
Big Sur Land Trust

9-10-2009

Date

Alfred L. Wanger, Deputy Director for Information
Technology and Water Quality
California Coastal Commission

Date

Kathryn Cruz-Uribe, Provost and Vice President for Academic
Affairs
California State University Monterey Bay

Date

Todd Peters, Chief Engineer
California Water Service Company

Date

Eric Tynan, General Manager
Castroville Community Services District

Date

Artie Fields, City Manager
City of Salinas

Date

Everett Kronlund, President
Coastlands Mutual Water Company

Date



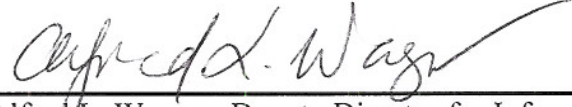
Bryan Largay, Tidal Wetland Project Director
Elkhorn Slough National Estuarine Research Reserve

12/3/09

Date

William H. Leahy, Executive Director
Big Sur Land Trust

Date


Alfred L. Wanger, Deputy Director for Information
Technology and Water Quality
California Coastal Commission

9/23/09
Date

Kathryn Cruz-Uribe, Provost and Vice President for Academic
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California State University Monterey Bay

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California State University Monterey Bay

10/30/09

Date

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REGIONAL WATER MANAGEMENT GROUP

William H. Leahy, Executive Director
Big Sur Land Trust

Date

Ross Clark, TITLE
California Coastal Commission

Date

Kathryn Cruz-Urbe, Provost and Vice President for Academic
Affairs
California State University Monterey Bay

Date

Todd Peters, Chief Engineer
California Water Service Company

Date



Eric Tynan, General Manager
Castroville Community Services District

Date

9-23-09

Denise Estrada, TITLE
City of Salinas

Date

Everett Kronlund, President
Coastlands Mutual Water Company

Date

Bryan Largay, Tidal Wetland Project Director
Elkhorn Slough National Estuarine Research Reserve

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William H. Leahy, Executive Director
Big Sur Land Trust

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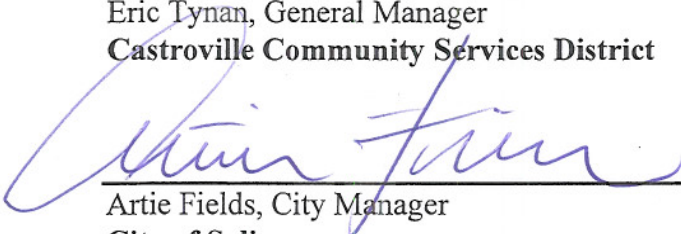
Date

Todd Peters, Chief Engineer
California Water Service Company

Date

Eric Tynan, General Manager
Castroville Community Services District

Date



Artie Fields, City Manager
City of Salinas

8-14-09

Date

Everett Kronlund, President
Coastlands Mutual Water Company

Date

Bryan Largay, Tidal Wetland Project Director
Elkhorn Slough National Estuarine Research Reserve

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William H. Leahy, Executive Director
Big Sur Land Trust

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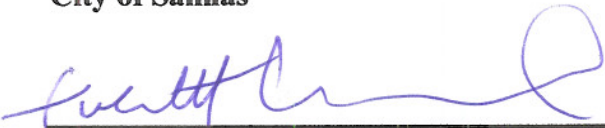
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Eric Tynan, General Manager
Castroville Community Services District

Date

Artie Fields, City Manager
City of Salinas

Date


Everett Kronlund, President
Coastlands Mutual Water Company

9-29-09
Date

Bryan Largay, Tidal Wetland Project Director
Elkhorn Slough National Estuarine Research Reserve

Date



Deborah Davis, Policy Director
Environmental Justice Coalition for Water

October 8, 2009

Date

Ken Ekelund, President
Garrapata Creek Watershed Council

Date

Jim Heitzman, General Manager
Marina Coast Water District

Date

Paul Michel, Superintendent
Monterey Bay National Marine Sanctuary

Date

Paul Binsacca, Board President
Resource Conservation District of Monterey County

Date

Eric Lauritzen, Agricultural Commissioner
Monterey County Agricultural Commissioner's Office

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Curtis V. Weeks, General Manager
Monterey County Water Resources Agency

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Keith Israel, General Manager
Monterey Regional Water Pollution Control Agency

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Eric Tynan, General Manager
Castroville Community Services District

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Artie Fields, City Manager
City of Salinas

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Elkhorn Slough National Estuarine Research Reserve

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Deborah Davis, Legislative Analyst
Environmental Justice Coalition for Water

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Ken Ekelund, President
Garrapata Creek Watershed Council

23 Sept 2009
Date

Jim Heitzman, General Manager
Marina Coast Water District

Date

Paul Michel, Superintendent
Monterey Bay National Marine Sanctuary

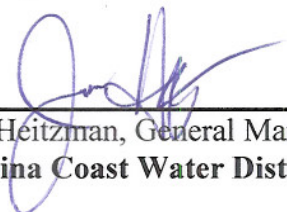
Date

Deborah Davis, Legislative Analyst
Environmental Justice Coalition for Water

Date

Ken Ekelund, President
Garrapata Creek Watershed Council

Date



Jim Heitzman, General Manager
Marina Coast Water District

Date

Oct. 3, 09

Paul Michel, Superintendent
Monterey Bay National Marine Sanctuary

Date

Paul Binsacca, Board President
Resource Conservation District of Monterey County

Date

Eric Lauritzen, Agricultural Commissioner
Monterey County Agricultural Commissioner's Office

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Curtis V. Weeks, General Manager
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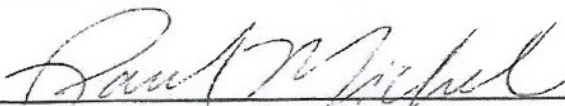
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Paul Michel, Superintendent
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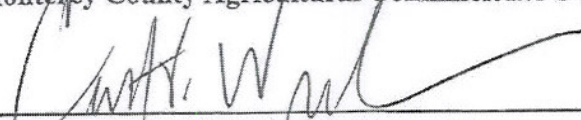
9-10-09
Date

Paul Binsacca, Board President
Resource Conservation District of Monterey County

Date

Eric Lauritzen, Agricultural Commissioner
Monterey County Agricultural Commissioner's Office

Date


Curtis V. Weeks, General Manager
Monterey County Water Resources Agency

6/21/4
Date

Keith Israel, General Manager
Monterey Regional Water Pollution Control Agency

Date

Deborah Davis, Legislative Analyst
Environmental Justice Coalition for Water

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Garrapata Creek Watershed Council

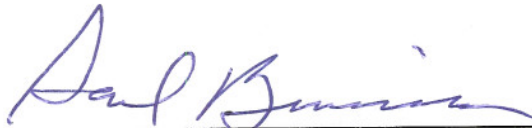
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8/20/09

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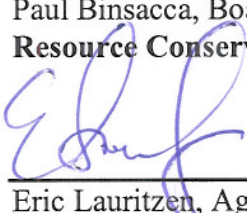
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Paul Michel, Superintendent
Monterey Bay National Marine Sanctuary

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Paul Binsacca, Board President
Resource Conservation District of Monterey County

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Eric Lauritzen, Agricultural Commissioner
Monterey County Agricultural Commissioner's Office

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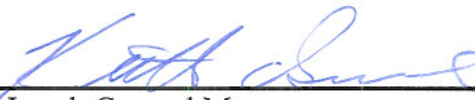
April 12, 2010

Curtis V. Weeks, General Manager
Monterey County Water Resources Agency

Date

Keith Israel, General Manager
Monterey Regional Water Pollution Control Agency

Date



Keith Israel, General Manager
Monterey Regional Water Pollution Control Agency

9-28-2009
Date

Jerri Carmo, Deputy Chief Operating Officer and Director of
Sponsored Programs, San Jose State University Research
Foundation
Moss Landing Marine Laboratories

Date

Horacio Amezquita, Manager
San Jerardo Cooperative, Inc.

Date



Jerri Carmo, Deputy Chief Operating Officer and Director of
Sponsored Programs, San Jose State University Research
Foundation
Moss Landing Marine Laboratories

10/19/05

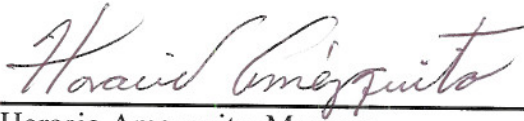
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Horacio Amezcuita, Manager
San Jerardo Cooperative, Inc.

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Jerri Carmo, Deputy Chief Operating Officer and Director of
Sponsored Programs, San Jose State University Research
Foundation

Moss Landing Marine Laboratories



Horacio Amezcuita, Manager
San Jerardo Cooperative, Inc.

Date



Date

ADDENDUM

The organizations below have been added to the Regional Water Management Group. The RWMG voted to invite the City of Soledad to join the Group on August 17, 2011, and voted to invite the Rural Community Assistance Corporation to join on September 21, 2011, with none opposed for either vote.


Adela P. Gonzalez, City Manager
City of Soledad

8.29.12

8/29/12
Date

Brian Phillips, Regional Manager, Environmental NCA/NV
Rural Community Assistance Corporation

Date

ADDENDUM

The organizations below have been added to the Regional Water Management Group. The RWMG voted to invite the City of Soledad to join the Group on August 17, 2011, and voted to invite the Rural Community Assistance Corporation to join on September 21, 2011, with none opposed for either vote.

Adela P. Gonzalez, City Manager
City of Soledad

Date



Brian Phillips, Regional Manager, Environmental N.CA/NV
Rural Community Assistance Corporation

10-11-11
Date

ADDENDUM September 21, 2011

The organizations below have been added to the Regional Water Management Group. The RWMG voted to invite the City of Soledad to join the Group on August 17, 2011, and voted to invite the Rural Community Assistance Corporation to join on September 21, 2011, with none opposed for either vote.

Adela P. Gonzalez, City Manager
City of Soledad

Date

Brian Phillips, Regional Manager, Environmental N.CA/NV
Rural Community Assistance Corporation

Date

ADDENDUM September 19, 2012

The California Coastal Commission representative announced at the September 19, 2012 RWMG meeting that the Coastal Commission will be unable to formally adopt the IRWMP due to potential conflicts of interest, and therefore has no choice but to resign from the Regional Water Management Group. This addendum hereby acknowledges the resignation of the California Coastal Commission from the Regional Water Management Group.

ADDENDUM January 16, 2013

The Coastlands Mutual Water Company representative submitted a letter on December 22, 2012 stating their intention to withdraw from the Regional Water Management Group due to a perceived lack of benefit from their ongoing participation. This addendum hereby acknowledges the resignation of the Coastlands Mutual Water Company from the Regional Water Management Group.