

Eggers, Tomas@Waterboards

From: Mickey Laws <mlawski220lakeside@gmail.com>
Sent: Friday, January 19, 2018 11:48 AM
To: Vasquez, Victor@Waterboards
Subject: Response to SWRCB Report INV8217
Attachments: Screen Shot 2017-12-26 at 1.08.37 PM.png

Jan. 18, 2018

State Water Resources Control Board

801 K Street

23rd Floor

Sacramento, CA 95814

Victor Vasquez

Senior Water Resource Control Engineer

Enforcement Unit 3, Division of Water Rights

State Water Resources Control Board

Dear Mr. Vasquez

I, Michele Laws, emailed a letter on 12/20/2017 to the Swrcb Clerk requesting that report INV 8217, regarding the Nestle Water Extraction in the San Bernardino National Forest, be released. I was pleased to see the report the following day, and want to thank the Board for their work in dealing with this complex problem. Although the allowable 26 acre feet of withdrawal is certainly better, there is no mention of parcel boundaries nor the federal reserve rights that are meant to protect the National Forest.

After reading the lengthy appeal submitted by Amanda Frye and viewing the documents that she provided, it became abundantly clear that my earlier focus of the labeling issue (withdrawing ground water & marketing it as "spring" water) is moot. I have attached a map which shows the location of Indian Spring which is clearly outside the boundary of the parcel on which Nestle bases their claim to water rights. It is located on federal land within the San Bernardino National Forest. For Nestle to have water rights now on federal land, they would

have had to file a claim with the government when the National Forest was created in 1893. And they did not. Also, when land is being reserved by the government, the natural resources within the boundary of that preserve are reserved for the maintenance of the preserve. In this instance, the water was reserved for forest management and maintenance, as well as the population in surrounding communities.

And that brings me to another issue with the extraction of **any** water by Nestle. There are several examples of people in the local community who have water rights and rely on well water. In one location, a single well provided enough water for nine households; however, as the drought set in, service was eventually reduced to three households. As the flow diminished, the residents were reduced to collecting their gray water to flush toilets, and doing their laundry at a laundromat. After several months of this routine in 2016, one household decided to get connected to the local water company, only to discover that a moratorium on new meters was in place, and were told they had to wait for several more months until it lapsed before they were permitted to pay the \$5000 fee to get connected. They will also have to pay for an annual inspection to make sure the meter is accurately monitoring only the water provided by the company, and not any water coming from a spigot located about 50 ft away from the meter which is still connected to the well. The people in this example have endured the inconveniences of a reduced flow and added expenses to their budget just to stay in their home.

I would also like to remind the Board at this time that the residents in this part of the San Bernardino Mountains live in unincorporated areas, Big Bear being the only exception. That means that we have to rely on county, state, and/or federal agencies for assistance when an issue arises. We cannot gather together as a community and approach city management, nor put an issue before the public for a vote. This situation is beyond the scope of our county supervisor. The State Water Board is our first line of defense to protect this vital natural resource. I urge you to reconsider the findings in your report and assist the National Forest Service in stopping Nestle from withdrawing any amount of water immediately.

The couple who own two of the homes in the example above, that were originally on the well have lived up here for 42 years. One of the homes was very small, and when he remodeled it and expanded it adding square footage, he took it off the well and got a meter. He bought the house next door, which was on the well, and has lived there with his wife for the last 32 years until the flow was so low in 2016, that it forced their decision to get a meter as well.

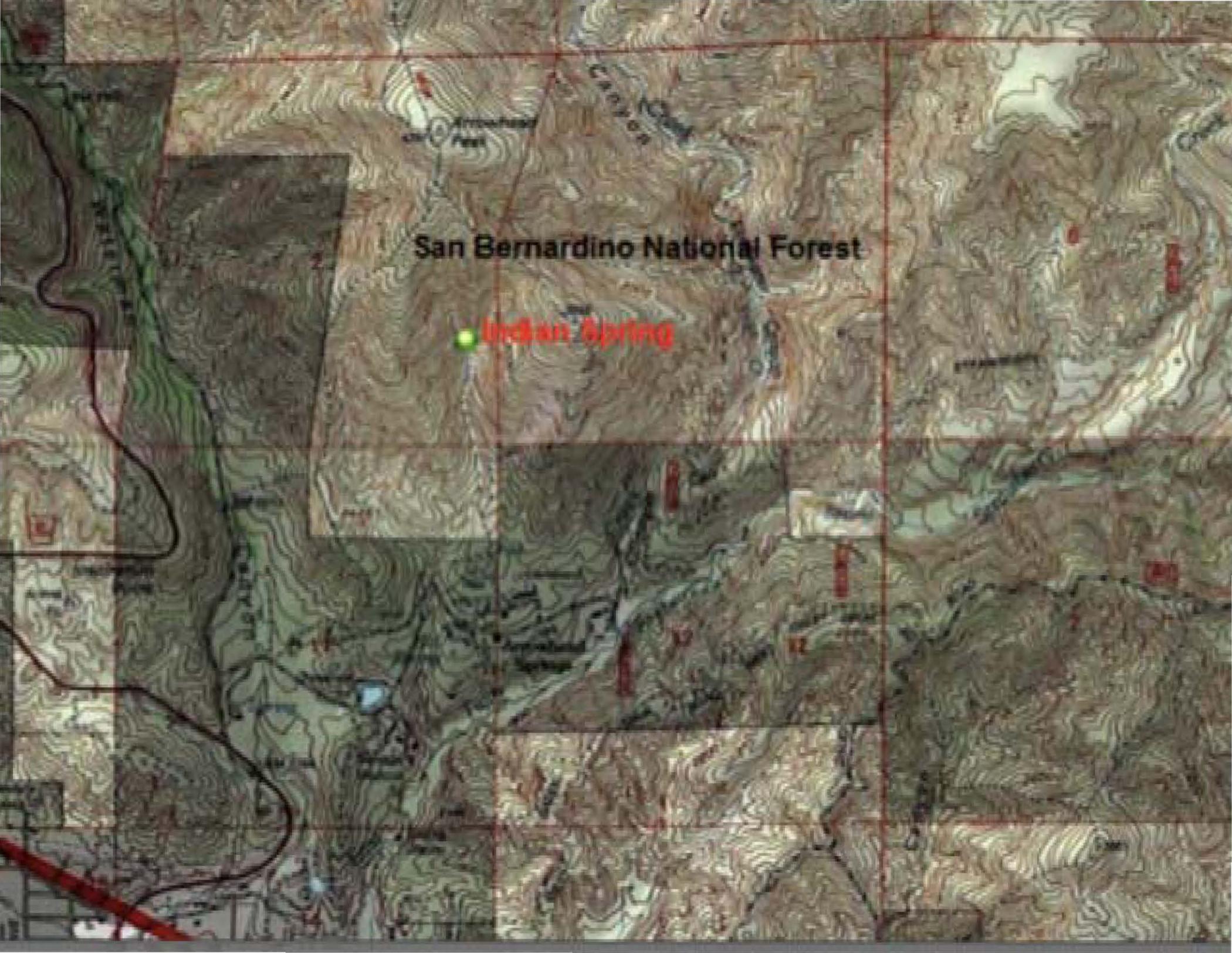
This should demonstrate that there is clearly no excess water to allow Nestle to continue harvesting even 26 acre feet while the creek bed is dry, which impacts the local flora, compromises endangered species, and forces people **with** water rights to contract for a reliable, consistent source of water. I concur with the evidence provided by Mrs. Frye that Nestle's claims to water rights are baseless, and urge the Water Board to reopen their investigation. Using the documents she has provided, read and understand that federal reserve rights discussed in the 1893 Proclamation establishing the National Forest in the San Bernardino Mountains allows you authority to protect the public trust. It clearly states that the water within the boundaries of the reserve be used for forest management and local communities. Live up to your responsibility and deny Nestle the right to continue extracting water for profit at the expense of the environment and local residents. There isn't enough now to go around for all the purposes that the federal reserve rights intended to protect. The Nestle profit motive doesn't rise to the level of necessity over the needs of the environment and that of the local population. Please deny Nestle the right to extract any amount of water.

Sincerely,

Michele Laws, full time resident and concerned citizen

P.O. Box 3239

Lake Arrowhead , CA 92352



San Bernardino National Forest

Indian Spring

