

## **Eggers, Tomas@Waterboards**

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**From:** Susan Nash <snash22@earthlink.net>  
**Sent:** Tuesday, January 30, 2018 5:56 PM  
**To:** Vasquez, Victor@Waterboards  
**Cc:** Steve Loe; Tom Paulek; Susan Nash  
**Subject:** REPORT OF INVESTIGATION AND STAFF FINDINGS OF UNAUTHORIZED DIVERSION REGARDING COMPLAINT AGAINST NESTLE WATERS NORTH AMERICA, STRAWBERRY CREEK, SAN BERNARDINO COUNTY.  
**Attachments:** Nestle illegal water extraction ltr Jan 30, 2017.docx

Mr. Vasquez,

Please include the attached comment letter in the administrative record this investigation.

Susan Nash  
Attorney at Law

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January 30, 2018

State Water Resources Control Board  
Division of Water Rights  
Attn: Victor Vasquez  
P.O. Box 2000  
Sacramento CA 95812-2000  
916-323-9407  
[Victor.Vasquez@Waterboards.ca.gov](mailto:Victor.Vasquez@Waterboards.ca.gov).

Re: REPORT OF INVESTIGATION AND STAFF FINDINGS OF UNAUTHORIZED DIVERSION REGARDING COMPLAINT AGAINST NESTLE WATERS NORTH AMERICA, STRAWBERRY CREEK, SAN BERNARDINO COUNTY.

Dear Mr. Vasquez:

On behalf of myself and as President of Friends of the Northern San Jacinto Valley and a member of San Bernardino Valley Audubon Society and the San Gorgonio Chapter of the Sierra Club I submit the following comments regarding the above report. Please include the comments in the administrative record for this matter.

I am asking that the State Water Board exercise its public trust role right now and stay engaged with the species preservation issue. This especially important in light of the fact that in 2017 Strawberry Creek went dry for the first time in 2017, and that Nestle seems to believe that it can defy with impunity the State Water Board's current limit of 26 AFA.

I have read the Report of investigation and its conclusion that **NWNA's current operations do not appear to be supported by rights to the diversion or use of water exceeding 26 AFA and, accordingly, any diversion and use of water in excess of that amount may be unauthorized.**

Nestle incorrectly<sup>1</sup> states the State Water Board "acknowledges that we have a valid, pre-1914 surface water right for 26 acre-feet per year, as well as long-standing rights to 126 acre-feet per year... We have not been asked to stop collecting water"

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<sup>1</sup> I read the entire report and believe this quote in incorrect.

I urge the State Water Board to stick to its 26 AFA limit, order Nestle to stop extracting any more than 26 AFA immediately and take all civil and criminal actions to stop Nestlé's extraction of more than 26 AFA with all due haste.

This immediate limit on more than 26 AFA is especially important in light of Climate Change, the beginning of another sever drought year, the drying up of strawberry Creek in 2017.

In the face of Nestlé's open defiance of the State Water Board's findings—which you must make clearer if there is any ambiguity—it is more important than ever to exercise your Public Trust Duties and responsibilities. All species in California are owned by the people of California and held by the state in trust for the People.

Please take immediate action to fulfill the public's trust in you by stopping the illegal extraction of water by Nestle.

Sincerely,

Susan Nash