



March 2020 NEWSLETTER

NRW MAC VS MONTEREY COUNTY

NRW MAC has come a long way in its litigation this past year. It has made great progress towards resolving critical issues, thanks to its team of attorneys, water rights experts and negotiators. NRW MAC is confident it has a path to success in order to make Monterey County change its lake operations procedure to support recreation and keep the lake at a mutually acceptable level. Without NRW MAC's intervention, via the current litigation, Monterey County would continue to ignore the recreational aspects of the lake.

However, unfortunately the outlook for water levels at Lake Nacimiento this coming season are not good for a few reasons, and we expect most ramps and docks to be dry by mid-July if we don't get significant March rainfall. If there is no rain until next November's we expect the storage capacity to be below 20% at that time.

There are two over riding reasons for this outlook. First Is Mother Nature, we started the wet season at approximately 40% storage capacity. With well below average rainfall this season we only gained about 10% storage capacity. We are currently at lake elevation 762' with a full lake being 800' (377,900 acre feet storage).

The outflow since November has been 60 cfs to satisfy fish habitation requirements downstream from the dam. This low storage capacity start means the lake level will recede quickly once Monterey County Water Resources Agency starts releasing water this mid-March. They have publicly stated they intend to ramp up releases to over 400cfs over the next few months and maintain that outflow until September. Their reasoning for the increased

release is Salinas Valley farm irrigation, Salinas Aquifer recharge and to prevent salt water intrusion into ground wells. You can view the MCWRA proposed discharge rate and resulting lake level here:

www.co.monterey.ca.us/home/showdocument?id=22193

The second, and main reason, for this low storage capacity start is MCWRA mismanagement of years' past releases. As you know NRW MAC has been committed to correcting this mismanagement through our court case against MCWRA and will continue to do so. We are however, unable to impact this year's releases because they will remain within their CA state water operations permit. Under their state permit they are allowed to release 180,000 acre feet per year from lake storage regardless of lake storage level. The permit does not stipulate when, at what rate, or other conditions that impact that release amount. This year they project to release 145,000 AF/Y, which is within their permit, so there is little we can do since recreation is only one of five requirements stated on the permit in no specific order.

NRW MAC is aggressively pursuing legal action for past releases which would have given us a higher start level this year, as well as in many past years. We have expert documentation that shows MCWRA has violated their state permit in the past by releasing in excess of the allowed 180,000 AF/Y. MCWRA has routinely stated numerous conflicting reasons as to why they are allowed to release the excess amount with no supporting legal foundation or documentation. We are challenging these assertions both in court and with the CA State Water Control Board. This has been a long, in-depth legal research project that is both time consuming and expensive. We have well founded legal



reasoning that we can win this conflict, but we must go through the drawn out legal process to do so. Until we do so we cannot change MCWRA's release schedule and lack of support for lake recreation even though it is listed in the state operations permit.

We, and you, can do little about Mother Nature, and know there will be drought years in succession that will mean low lake levels do not support adequate and safe recreation. However we CAN do something about mismanagement of water releases and not supporting lake recreation as specified in the state operating permit for Lake Nacimiento. But, NRW MAC needs your help with contributions. We cannot win this fight without going through the legal and political battle which requires funding. Any contribution you can make will help make a difference in future water levels. To not do so will mean we will continue to have low water levels that have become common and that we will most likely see again this year.

Let's be very clear about the water...

In California, water is protected for the use and benefit of all Californians. California's waters cannot be owned by individuals, groups, businesses, or governmental agencies. And permits, licenses, and registrations give individuals and others the right to beneficially use reasonable amounts of water.

Monterey County was provided a grant in 1958 and their application made a long term promise to promote and develop recreational facilities at Lake Nacimiento. Monterey County was again licensed in 1964 with a statement of purpose of "Recreational use at Lake Nacimiento Reservoir within San Luis Obispo County and irrigation, domestic, municipal, industrial and recreational uses within an area of Monterey County".

And again in 1996 Monterey County was granted a permit subject to prior rights that authorized purposes for using the water for irrigation, industrial, municipal, recreation and domestic use.

There is no "Percentage of" listed in those grant rights. There is no "group" that owns the water! All five interests share the water interest, and all five interests are entitled to it.

The Recreation Component...

The Monterey County Flood Control and Water Conservation District ("District"), the predecessor to MCWRA, built Nacimiento Reservoir in the mid-1950's for recreation, flood control and water conservation. In order to begin construction, the District first had to condemn and take private properties in and around the reservoir site by eminent domain.

The Act gave the District the power to condemn "lands deemed by the supervisors of the district to be **necessary or convenient for the installation, construction, use and maintenance of recreational areas or facilities including picnic grounds, play grounds, camp grounds, home sites, boats and fishing, bathing or other facilities for use by the public...**"(Emphasis supplied.) Thus, the provision of recreation at the reservoir was key to allowing the construction to commence.

Simply put, Monterey County claimed and based recreational support at the lake as an equal right to take land, and they must continue to support recreation or they can be faced with invalidating their right to that land.



Thank you for your support

We wish to thank everyone that supports NRWMAC, and as everyone continues to come up with more ways to help, we need everyone to get involved.

Please share, forward and circulate this newsletter with your friends, family and anyone you know that uses or cares about the lake, wildlife, and future of the lake!

We need to inform people of this fight, and let everyone know why their funding support is so critically important right now.

NRWMAC needs volunteers to help with getting the word out, getting donations, sign-ups, handouts, information booths, fund raisers, t-shirt sales, and help at functions and events.

You can help the effort by donating time, dollars, purchasing merchandise or signing up for events here: www.nrwmac.org/get-involved

Donate Today

If you value your recreation, water quality, way of life and property values, please donate today.

Being the primary source of funding for these legal efforts, your donations, now more than ever, will make a difference!

Even if you have previously donated, we need your continued help, please donate any amount using the GoFundMe link, or if you prefer you can donate privately using the link Private donation link below, or mail a check to NRWMAC at PO Box 398, Paso Robles, CA 93447.

GoFundMe:

www.gofundme.com/lake-nacimiento-save-the-dragon

Private donations:

www.nrwmac.org/save-the-dragon/donate-today

DRAFT* RESERVOIR RELEASE SCHEDULE FOR 2020

*Schedule Recommended by Reservoir Operations Advisory Committee on February 27, 2020, for consideration at Agency Board of Directors meeting on March 16, 2020.

Month	Combined Releases (cfs) ¹	Combined Releases (ac-ft)	NACIMIENTO				SAN ANTONIO									
			Evap. Losses (ac-ft)	Reservoir Releases (cfs) ¹	Reservoir Releases (ac-ft)	NWP Orders (ac-ft)	NWP Diversions (ac-ft)	Beginning of Month Storage (ac-ft)	Storage (%)	Elev. (ft)	Evap. Losses (ac-ft)	Reservoir Releases (cfs) ¹	Reservoir Releases (ac-ft)	Beginning of Month Storage (ac-ft)	Storage (%)	Elev. (ft)
Jan	73	4,486	431	63	3,871	625	0	194,800	52%	762.0	356	10	615	122,363	37%	727.2
Feb	70	4,027	454	60	3,451	841	0	198,355	52%	762.9	339	10	575	126,125	38%	728.5
Mar	174	10,711	841	164	10,096	1,116		196,678	52%	762.5	616	10	615	127,168	38%	728.9
Apr	318	18,893	1,144	308	18,298	1,099		184,767	49%	759.4	896	10	595	125,936	38%	728.4
May	417	25,666	1,549	340	20,926	1,820		164,353	43%	753.8	1,302	77	4,741	124,443	37%	727.9
Jun	511	30,397	1,935	368	21,868	2,270		140,194	37%	746.8	1,674	143	8,529	118,397	35%	725.7
Jul	594	36,496	1,861	269	16,562	2,283		114,186	30%	738.2	1,608	324	19,934	108,188	32%	721.8
Aug	675	41,505	1,534	359	22,066	2,132		93,528	25%	730.6	1,204	316	19,438	86,639	26%	712.4
Sep	597	35,515	1,019	299	17,802	2,049		67,936	18%	719.5	794	298	17,713	65,991	20%	701.3
Oct	70	4,304	598	60	3,689			47,220	12%	708.2	504	10	615	47,480	14%	689.1
Nov	70	4,165	286	60	3,570			41,376	11%	704.3	263	10	595	46,357	14%	688.3
Dec	70	4,304	161	60	3,689			36,698	10%	701.0	159	10	615	45,497	14%	687.6
Jan 2021								32,523	9%	697.65				44,742	13%	687.0
Totals		220,469	11,812		145,889	14,234	0				9,715			74,580		

Revision Date: 2/27/2020

- NOTES:
1. Mean daily flow for the month in cubic feet per second.
 2. Shaded areas denote actual values. Non-shaded areas are projected values.
 3. Nacimiento Reservoir storage capacity: 377,900 acre feet; San Antonio Reservoir storage capacity: 335,000 acre feet.
 4. Reservoir Operations Advisory Committee may make release considerations for fish spawn and holiday periods to benefit recreation.
 5. Preliminary Schedule assumes no inflow to reservoirs after March 1st. Actual elevations may be influenced by inflow.
 6. "NWP Diversions" are San Luis Obispo County - Nacimiento Water Project conveyance facilities diversions. Max. allowable water year (Oct. 1 - Sept. 30) diversions: 15,750 ac-ft.
 7. Nacimiento "NWP Diversions" do not include lakeside water use which is estimated at approximately 1,750 acre feet per year.

