

SAVE THE DRAGON

LITIGATION UPDATE AUGUST 17 2018

On August 15, 2018, the Nacimiento Regional Water Management Advisory Committee (“NRWMAC”) filed a legal action detailed below in the Monterey County Superior Court to protect Lake Nacimiento enthusiasts, property owners and businesses. To date, with your contributions, the NRWMAC “Save the Dragon” GoFundMe Legal campaign has raised over \$50,000.00 and we are grateful to all of those who have contributed so far. We need your help to continue the fight.

NRWMAC retained a law firm that specializes in water rights law, as well as an expert in surface water hydrology, to examine all of the legal options available to it in dealing with Monterey County’s management of the lake and the water releases. While researching and preparing a path forward, NRWMAC’s lawyers discovered a lawsuit already in progress in Monterey County.¹ This action was filed in January of 2017, and involves, among others parties, the Salinas Valley Water Coalition (“The Coalition”), the Monterey County Water Resources Agency (“MCWRA”) and the Monterey County Board of Supervisors. In the lawsuit, the Coalition is demanding that even *more water* be released from the lake ***on a permanent and continuing basis***.² Although they should have been, neither property owners or NRWMAC was ever informed of this lawsuit by either the parties or the court.

The original parties in this lawsuit do not represent either the property interests around the lake, or the recreation or business interests. If the Coalition prevails, the result will be an even greater amount of water will be released from Lake Nacimiento, a legal precedent on those releases will be established, and water levels will be much lower.

On August 15, 2018, NRWMAC’s attorneys filed a “Motion in Intervention” in Monterey County. This is a legal mechanism whereby NRWMAC seeks to join the existing lawsuit. NRWMAC is not taking the side of any of the parties in the lawsuit. Rather, by intervening, NRWMAC is ensuring that its interest, and that of its constituents, be accounted for concerning the recreational aspect of the lake, and that any decision rendered by the court in respect of water releases, now or in the

¹ The parties are currently before the California State Water Resources Control Board, which will conduct evidentiary hearings in the matter.

² The Coalition also alleges that Monterey County failed to provide water in previous years, under a Proposition 218 tax assessment, and seeks to have property taxes lowered as a result. This aspect of the current lawsuit does not involve either NRWMAC or its constituents.

future, takes into account these interests. A hearing on the intervention motion is scheduled for September 19, 2018. (To read the Motion in Intervention see below)

NRWMAC's intervention in this lawsuit is the first step in gaining a voice before the court, before the California State Water Resources Control Board, and with Monterey County, in compelling the recognition of the rights of Lake Nacimiento residents, property owners, visitors and enthusiasts. It also establishes NRWMAC's standing in any future legal action, and is critical in the efforts to protect the Lake levels, property values, preserve individual property owners riparian water rights and recreational uses.

A huge thank you goes out to everyone who has already contributed to NRWMAC's GoFundMe campaign. The cost to fund this legal battle is huge and everyone's participation is key to making it successful. If you have not yet contributed to the fund, please give what you can. Give again, if you are able. And pass the word about this issue, the fund and what NRWMAC is doing. Let others know about the problem and the need to raise additional funds to Save the Dragon and to keep recreation flourishing! www.gofundme.com/lake-nacimiento-save-the-dragon

Links to court filings:

<http://www.nrwmac.org/wp-content/uploads/2018/08/Motion-Intervene-180815.pdf>

<http://nrwmac.org/wp-content/uploads/2018/08/Declarations.pdf>

<http://nrwmac.org/wp-content/uploads/2018/08/Request-Jud-Ntc.pdf>

<http://nrwmac.org/wp-content/uploads/2018/08/Proposed-Order.pdf>