



Nacimiento Regional Water Management Advisory Committee

v.

Monterey County

October 4, 2023 Update

Good afternoon, everyone. What a pleasure it is to provide encouraging news about our lawsuit today. With a new San Luis Obispo judge in charge of our case and the incredible Lake Nacimiento supporter turnout at our last court hearing, things are finally looking up!

After many delays during the COVID pandemic and legal skirmishes between the parties, the NRWMAC lawsuit has reached a critical — and exciting! — turning point. Over a year ago, the San Luis Obispo County judge in charge of our lawsuit asked the California State Water Resource Control Board to opine in a report about some of the technical issues he felt unqualified to rule on.

Concurrently, NRWMAC board members and their attorneys attended Sacramento hearings and meetings with the state water board to make that report advantageous to our lawsuit and to show how Monterey County has been over its yearly water release limits.

The state water board completed its report and submitted it at the latest court hearing on September 26, 2023. NRWMAC and Monterey County filed their required report responses to the court. Certain aspects of the report supported our cause, and others were just plain wrong. At the hearing, the NRWMAC legal team pursued these points of contention, pointed out the mistakes in the report, and requested they be corrected or removed.

At the same hearing held in the California Superior Court of San Luis Obispo County, Paso Robles Branch, a new judge, who now presides over our case, was introduced: Judge Michael Kelley. We were highly impressed with his preparation, attentiveness, and reasoning. He said, “That ours is not a typical case. Instead, it is robust and complicated.”

Judge Kelley continued by saying he wants to move this case ahead expeditiously and wants everyone heard. To NRWMAC, this was an enormously promising statement and advance in our lawsuit, and a defining moment of victory for Lake Nacimiento supporters. The judge further directed the parties to meet and confer, to start talking to each other, and to try to resolve our issues. These are things that NRWMAC has been trying to get Monterey County to do for years. Now they are compelled to do them by court order.

And the news gets even better. Judge Kelly set a specific time line for the next hearing in November of this year. The judge did not accept the state water board report as requested by Monterey County. Indeed, he pointed out that the state water board report had some conclusions that were not supported by facts. He cited a specific example of this and suggested that the parties needed to show evidence supporting or refuting the state water board’s reported conclusions.

Back in early September, when the NRWMAC board of directors first learned about the September 27, 2023, hearing, an announcement went out immediately to our constituents to join us in the courtroom to show the judge the strength of the support for Lake Nacimiento optimal lake levels and

the opposition to Monterey County's water release mismanagement. Did our supporters show up? Yes, they did – **and how!** Crowding the courtroom, standing in the doorway, and trailing down the hallway, they *knocked the socks off* Judge Kelley by showing how important these issues are to so many!

Judge Kelley noted that he had never seen his courtroom so full of interested people. He went on to opine that: "This must be an issue that impacts lots of folks." He was, and is, correct — 5,500 residents live at Lake Nacimiento and are directly affected by the lake water levels. Additionally, many San Luis Obispo County residents and out-of-town visitors enjoy weekend and vacation recreation at the lake.

A heartfelt THANK-YOU goes out to everyone who answered NRWMAC's call for support and came to the hearing! You made a HUGE impact that day and we are grateful you were there with us!

The September hearing was a big win for NRWMAC in many ways. But it is certainly not the final ruling on our lawsuit.

The next hearing date is November 17, 2023, at 1:30 p.m. You are encouraged to attend and invite your concerned family, friends and neighbors. We will be in touch with more information closer to the hearing date. Mark your calendar NOW as the holiday season is quickly approaching.

NRWMAC has a lot of work to do. The case is heating up. Our legal team needs to prepare to be back in court in under two months to continue holding Monterey County accountable and make a difference! **Now, more than ever, financial support is needed** from lake property owners, visitors, sports enthusiasts, and farmers.

NRWMAC and Monterey must submit narrative briefs (not the usual forms — these are more complex to write), for the Case Management Conference. Per court order, parties must also meet and confer in preparation for the November hearing. These are necessary steps and we cannot afford to lose our forward-moving momentum.

We are asking for your dollar donations at this critical time. Attorney fees, research funding, and legal support are very costly. Generous people like you are the **ONLY** source of funds supporting NRWMAC efforts to correct and hold Monterey County accountable for water mismanagement at Lake Nacimiento. Even if you previously donated, **we urgently need you to keep supporting our efforts NOW.**

Clicking a link below will take you directly to a donation site. If you prefer to write a check, please make it out to NRWMAC and mail to: NRWMAC, PO BOX 398, Paso Robles, CA 93447.

GoFundMe:



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

Private Donation: (via PayPal)



www.nrwmac.org/donate#Private-Donation

Did you previously sign a "Rights to Inundate (Flood) Land in San Luis Obispo County," Agreement or Contract with Monterey County?

If so, we need to hear from you. We need to hear from anyone who previously made agreements or contracts with Monterey County when it first acquired the rights to inundate (flood) land in San Luis Obispo County (by condemnation or otherwise), and learn about the promises Monterey County made in those agreements and contracts. Contact NRWMAC immediately at 805.591.4738 or info@nrwmac.org. **URGENT, please respond as soon as possible.**