



Nacimiento Regional Water Management Advisory Committee

v.

Monterey County

November 20, 2023

Good Afternoon everyone, NRWMAC is very pleased to announce another positive hearing on November 17th, 2023. The court room was again filled with supporters who came to show Judge Kelley and the General Manager of Monterey County Water Resources just how important this issue is to the public of San Luis Obispo County.

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

The purpose of the Hearing was to resolve the status of the State Water Board Report (SWBR) and more importantly to lift the stay that has held our lawsuit from proceeding until the SWBR was adopted.

The main questions were how to view the report, (as a final report, or a work in progress), and then how to view the findings of the report (as a piece of evidence to be argued or as final prima facia evidence). The SWBR had some really great findings to support our case like the fact that the 180,000 acre feet release schedule is based on the ability of the Salinas river to absorb and store the water, and to release more than that is a waste to be avoided except for flood control releases during the winter.

Some of the items listed in the SWBR were off the rails with wild assumptions about the new 30 day rule, that states that the water in the reservoir that passes through the reservoir in less than 30 days, doesn't count towards their release schedule. And also that somehow the release schedule should be considered on a calendar year and not the water year, that all water agencies including Monterey County has used for all their planning purposes.

Not knowing how the judge would accept the findings of the SWBR, NRWMAC initially had argued that the report was not final and should go back to the State Water Board for review since it was really only the opinion of one anonymous staffer. However, the evening before the hearing, Judge Kelley issued a tentative ruling that made it clear that he also had serious doubts about the findings of the report and was not about to consider it as Prima facia evidence. Judge Kelley was also inclined to accept the report as final, which our attorneys agreed not to contest, since to do so would delay our trial another year or more as the State Water Board reviewed it.

The results of the hearing were to accept the SWBR, and to lift the stay on our lawsuit so that the case can proceed and for the parties to meet again to begin discovery. Judge Kelley set a case management conference for January 12, 2024 at 11:00 AM to review the progress that is being made and to begin setting a date for the trial to proceed.



NRW MAC attorneys have a long list of items of discovery that they have continued to ask for from Monterey County, so these items can become official evidence. These items include documents that show how recreation was an important, and in some cases a primary, purpose for the creation of the lake and support our case that recreational purposes are not being adequately prioritized in Monterey Counties operation of the lake.

If any of the public have documents, particularly legal documents that show that Monterey County used to condemn the land around the lake through Eminent Domain, we need to hear from you.

Contact NRW MAC at 805.591.4738 or info@nrwmac.org. **This is URGENT, please respond as soon as possible.**

NRW MAC 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.

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 NRW MAC 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 NRW MAC and mail to: NRW MAC, PO BOX 398, Paso Robles, CA 93447.

GoFundMe:



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

Private Donation: (via PayPal)



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