

Thursday, February 12, 2009

Assemblyman Dan Logue  
State Capitol  
Sacramento, CA 95814

Dear Assemblyman Logue,

Government run amuck!

I am hoping you can help rectify one of the most silly errors State government has ever committed.

I am president of the Serene Lakes Property Owners' Association on Donner Summit just outside Soda Springs. We are a community of about 800 homes.

Our drinking water comes from two beautiful lakes in the heart of our community. Our water district, the Sierra Lakes County Water District has annual rights to over 1000 acre feet of water of which we use only about 120 acre feet. Thousands of acre feet of water flow over our dam each year and go into the American River system. The community's water rights were awarded in 1964 when our water district was formed. Our water rights allow us to take water from the lakes but during July to September we have to let any water that flows into the lakes flow out. This our water district does.

In 1988 the State adopted a "direct diversion" concept which does not allow entities to do direct diversion from lakes. No one thought to "grandfather" in our particular water district. The upshot is that the State Water Resources Control Board, having discovered where our drinking water comes from (after almost five decades), now says our water district is not allowed to "direct divert" from our lakes. For almost fifty years our drinking water has come from the lakes.

One problem with what the Water Control Board has said is that there is nowhere else to get water. All the water in our watershed flows into the lakes. We do have one well, for emergency use only, but which has nowhere near the capacity to serve even a portion of the community. We do not have an aquifer that would encourage more well drilling either. The substrata is fractured rock which does not hold the water a Valley aquifer would and is unpredictable as a source. The well water would also need to be treated for arsenic if the water were used as a regular water

source. Even if there were enough wells our whole infrastructure would have be changed requiring large expenditures – simply because an administrator in the Water Control Board does not like where we have been getting our water for many decades.

If the “direct diversion” order were to be followed, one solution for us would be to “buy water” from other entities and so have the right to take water from our lakes. Then we would be in silly position of buying water even though we have water sitting right in the middle of our community. A silly State rule would make us pay for water which sits right at our door steps.

It is ridiculous for the State Water Resources Control Board to make such a ruling. Now we hear that the case may be referred to the enforcement division for possible fines. Just what exactly are we supposed to do?

In order to oppose the decision, our community is going to have to spend a lot of money on engineering and consulting fees as well as legal advice. In the end common sense will prevail – we hope – but why should we be forced to spend large sums or ratepayers’ money to get there?

I am hoping that you will be able to assist us in obtaining a practical solution to this problem. I hope you will help convince the State Water Resources Control Board, Division of Water Rights, Complaint Unit to solve the problem. Their investigator is Ms Laura Lavallee.

For further information, you can contact the president of our Sierra Lakes County Water District, Mr. Wade Freedle at the Sierra Lakes County Water District office at 530-426-7802.

Thank you for your attention and help,

Sincerely,

Bill Oudegeest, President