

November 8, 2016

Honorable Gonzalo P. Curiel
United States District Court
Southern District of California
221 West Broadway, Suite 2190
San Diego, CA 92101

Honorable Ruben B. Brooks
United States District Court
Southern District of California
221 West Broadway, Suite 2190

WATERMASTER
Santa Margarita River Watershed
P.O. Box 631
Fallbrook, CA 92088

Re: *U.S.A. v. Fallbrook Public Utility District, et al.*, Civil No. 51-cv-1247-GPC-RBB
Final Annual Watermaster Report for Water Year 2014-2015

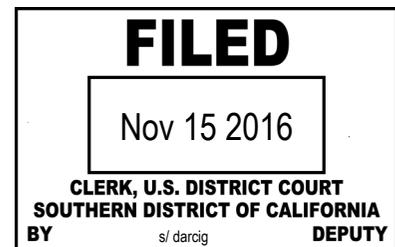
Dear Honorable Judges and Watermaster:

I strongly object to the proposed "final" annual Watermaster report (2014-2015) edition as printed and received in October, for several critical reasons.

I have lived in my current home since 2002 located in the sub-Anza water basin up in the town of Anza on 128 acres with my horses, dogs, chickens and ducks. I require water to live as do my animals, and to grow much of my own food. I am not a judge nor am I an attorney but I am a residential real estate broker on a full time, career basis, within our local Anza area.

I am constantly called by people in our community about the water regarding the Indian Law suit. Both the disinformation as well as the lack of information is remarkable to say the least for people coming into our Valley. Years ago, this was already out of hand so we created a Realtor® Board approved disclosure form to address this question and concern. Good, bad or indifferent, at least we have tried to minimally help the residents within the Watershed by providing some basic information. Why is the Watermaster not doing this also?

Besides my personal residence I also own commercial property in Anza which I have not been able to develop. Our County of Riverside planning department and health department have stated on a few occasions that we have a pseudo-moratorium on commercial construction in Anza. Without a TMF filled out and reviewed and an existing viable water source we are not allowed to build. The catch is that each department blames another department or entity and no one will take responsibility and tell us exactly what is needed in order to move forward. Our properties have become essentially worthless. Our community is held hostage to no new amenities, no growth and our community members are forced to



Since the Court can describe what their jurisdiction "is", then the court can certainly describe what it is "not". But we do not get to read any of this in the report, or truly the Court does not know? To administrate a watershed, this would require at a minimum to describe the watershed to begin with. Certainly after 55 years, the Water master should be doing this and explain why some people who appear to be in the watershed can receive water permits and then why others are denied. Just exactly what are the rules?

The Water master report is incorrect in that it states and reviews all the types of water rights that exist within the watershed. In fact, it states many different users' rights, such as Ramona:

Order No. 1 in Interlocutory Judgment No. 41 specifies for the Ramona Indian Reservation the following:

IT IS ORDERED, ADJUDGED AND DECREED that the United States of America when it established the Ramona Indian Reservation intended to reserve and did reserve rights to the use of waters of the Santa Margarita River stream system which under natural conditions would be physically available on the Ramona Reservation, including rights to the use of ground waters, sufficient for the present and future needs of the Indians residing thereon with a priority date of December 29, 1891.

The Water master has failed to acknowledge the existence of routine and normal federal water rights associated to federal lands sold to private landowners within the watershed, prior to the December 21, 1981 priority date of Ramona. These deeded water rights would be superior to either Ramona or the Court's jurisdiction as they exist prior to 1891.

Lastly, even with mass misunderstanding and confusion, the Water master has the authority and scope to guide and inform people within the watershed as to manner in which the court's jurisdiction operates. Since the report is void of any reference to defining, explaining, conditioning the words... "the court maintains jurisdiction over the cause..." the report is simply incomplete – to the detriment of the taxpaying citizens within the watershed (who help fund and/or subsidize the costs of the production of said report as ordered by the court).

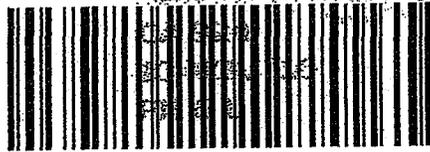
When is a water user forced to hire formal counsel and litigate its rights – as the court has offered to do (explained within the report) – or is there a system whereby the court can assist water users to make determinations? Just exactly how is the court and Water master managing this administrative responsibility? Again, the report is incomplete in this regard.

Sincerely,



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