



November 9, 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 2160
San Diego, CA 92101

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

The final submitted annual report from the Watermaster is not acceptable for the following reasons:

- 1) **Report of High Nitrate Concentration: (page 81)**
- 2) **Lack of Monitoring – to make determination: (page 58)**
- 3) **Potential Overdraft Conditions – no data (Section 9.3)**
- 4.) **Normal Tasks as so ordered (Section 12.2)**

1) Report of High Nitrate Concentration: (page 81)

SECTION 9 - THREATS TO WATER SUPPLY

9.1 General

General threats to the long-term water supply in the Santa Margarita River Watershed, which have been described in previous Watermaster reports, are as follows:

1. High nitrate concentrations in Rainbow Creek, Anza Valley and the Murrieta-Temecula areas.
2. Potential overdraft conditions at various locations in the Watershed.
3. Potentially adverse salt balance conditions in the upper Santa Margarita River area.
4. High concentrations of arsenic, fluoride, and manganese in the Murrieta-Temecula area.
5. Quagga mussel infestation in imported supplies from the Colorado River system.

9.2 High Nitrate Concentrations

In past years, high concentrations of nitrate have been measured in Anza Valley and in Rainbow Creek. Conditions in Anza Valley were generally described in the 1993-94 report. Additional water quality data for Anza Valley have been collected periodically by the Riverside County Department of Health Services and the USGS.

This report (9.1.1.) says that there is a high nitrate concentration in...Anza Valley. But there is no evidence (data) or explanation for the statement from the Watermaster. What is the statement (of high nitrate concentration) based on? Is it a huge problem, a very little problem, a problem that most will not encounter, or what? What are the risks to high concentration and to what part of the population as it is understood nitrate threats are more serious for children, etc. To this end, the report is either incomplete or inaccurate as this nitrate warning has no data included to understand the risks.

2) Lack of Monitoring – to make determination: (page 58)

7.2 Water Purveyors

7.2.1 Anza Mutual Water Company

Anza Mutual Water Company's service area is in the eastern part of the Watershed in the Anza Valley. Production is from two wells: Well No. 1 drilled in 1951, and perforated from 20 feet to 260 feet; and Well No. 2 drilled later to a depth of 287 feet and perforated in the bottom 130 feet. Production for Water Year 2014-15 was approximately 25 acre feet from Well No. 1 as shown on Appendix Table A-11. Well No. 2 was not in use for 2014-15. Water levels in Well No. 1 rose 7 feet from last year.

Best as can be determined from reading the annual report is that the only well monitored and tested by the Watermaster/Court regarding the **entire** Anza area is the one well referenced above. There are thousands of residents in the Anza Valley and one well metric is not sufficient to establish anything. Also, the Watermaster fails to report that directly upstream to this property (right next door) is the Valley's largest, concentrated, agricultural fields that have been using chemical fertilizers on and off, for decades (See Agri Empire). In other words, special testing around known agricultural fields may be required, and then additional testing to see if any high nitrate concentrations exist then, a half a mile or more away, i.e. is it a concentrated issue or not?

With only one well, and a notation about a 1993/1994 report, this warning of high nitrate concentration (for the Anza Valley specifically) is not supported by data within the report from the Watermaster (unless there is significant data that has not been shared with the reader).

For consumer protection and public safety, have any maps been produced by the Watermaster to help citizens be aware of the Watermaster's finding?...a high concentration of nitrates. The reader should also be made aware of how to determine the meaningfulness of nitrate data.

3) Potential Overdraft Conditions – no data (Section 9.3)

9.3 Potential Overdraft Conditions

Previous Watermaster reports have noted concerns about overdraft conditions in Anza Valley and in the Murrieta-Temecula Groundwater Area. Previous studies for Anza Valley include 1976 and 1988 reports by the U. S. Geological Survey and a 1990 report by a consultant to Riverside County. No further studies relative to groundwater use in Anza Valley are available. Historical measurements of groundwater levels for Anza Mutual Water Company's Well No. 1 (7S/3E-21G1) located in Anza Valley are plotted in this report on Figure 4.4. Water levels in Anza Mutual Water Company Well No. 1 rose by seven feet between September 30, 2014 and September 30, 2015.

Again, a historical conclusion – potential overdraft - but with no data to support the warning. There has never been any widespread, recognized over drafting of the water within Anza Valley. Most of the Valley is occupied by residential homes that each require groundwater – so a built in monitoring program in this regard exists. The only well analyzed in the entire report is showing a rise in level during a multi-year drought. All the three available reports concluded many thousands of new, additional homes can be supported with no over drafting (while also not reporting any observable over drafting to date). No safe yield science exists to measure potential of over drafting for Anza Valley. The report with Section 9.3 also leads the reader to believe that there is a threat of over drafting in the Anza Valley – yet, with only one well monitored, the Watermaster would have us believe that the Watermaster has the science and data to suggest that the Anza Valley acts hydrologically in unison and like a bathtub, i.e. – the level goes up or down the same for everyone at all times. The reporting assumes this when in fact there is much evidence that the Anza Valley basin has many groundwater

water sources, many of these independent sources act independently in many sub areas through out the Anza Valley (as compared to an aggregate fashion).

Anza Valley (unincorporated Riverside County) is heavily regulated by zoning, land use, environmental and general plan rules and regulations. There is no opportunity for even medium size industrial or commercial water uses. The predictable water users are homes, small offices and shops and agriculture. There is no prediction of large population growth. So why or what are we going to "overdraft" given our current 450,000 acre foot storage? Overdraft sounds like a risk, a problem, like we could run out of water. All this portion of the report needs review and updating.

Do not understand how the Watermaster can include the Anza Valley in this groundwater over draft caution with the named Murrieta –Temecula area. The Murrieta-Temecula area ran out or over drafted existing natural supplies years ago (and now depend on imports). By comparing the basin with the Anza Valley which is self-sustaining and has never ran out of water to support its population is too prejudicial for the average reader to even understand.

4.) Incomplete Tasks as so ordered (Section 12.2)

12.2 Normal Tasks

Tasks that are normally part of the Watermaster Office operation are as follows:

1. Update List of Substantial Users
2. Collect Water Production, Use, Import and Availability Data
3. Collect Well Location, Construction and Water Level Data
4. Administer Water Rights
5. Collect Water Quality Data
6. Monitor Water Quality and Water Right Activities
7. Administer Lake Skinner and Diamond Valley Lake MOU's
8. Administer Steering Committee Matters
9. Prepare Court Reports/Budgets
10. Monitor Streamflow and Water Quality Measuring
11. Data Management
12. Administer Cooperative Water Resource Management Agreement

Specifically, regarding line item 3 – for the Anza Valley, if there are risks of high nitrates, if there is risk of overdraft (as determined by the Watermaster and so pro-actively reported), then the reader should be able to see the data or basis for which the report relies on to offer such conclusions.

Line item 4, the Watermaster is not accurately administrating water rights on the basis of 1) inactivity/failure – no evidence in the report of any water rights administration, and 2) no administrative assistance to the occupants of the Santa Margarita River Watershed has been reported.

Line item 6 – the report shows no evidence of monitoring water right activity. Instead the report says there are legal issues and the Watermaster's position has not changed since 1966. The Watermaster

does not report the regulatory log jam, along with all various meetings, phone meetings, letters (with dozens of lawyers, County of Riverside, State of California water officials, etc.) addressing the regulatory log jam, as well as complaints regarding same. The Watermaster has failed to report that Anza valley water usage and new water supply usage is being currently restricted or 100% shut off due to this regulatory log jam. The Watermaster has failed to report that as an unintended consequence of inactivity since 1966, given the administration responsibility of the watershed by the Watermaster, under Fallbrook: that there is a general lack of coordination, understanding and progress within the Anza Valley that is preventing economic development, new jobs and new growth opportunities.

Sincerely,


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