

Submitted on Ventana Chapter Sierra Club Letterhead

January 31, 2002

Board of Directors

Monterey Peninsula Water Management District

Hand Delivered

Members of the Board:

In the course of hiking in Garland Park this past summer, I noticed that Garzas Creek went dry in places where it is normally perennial. Others with better qualifications observed the same thing, as documented by the attached statement from Gary Tate, who became intimately familiar with Garzas Creek during his long tenure as General Manager of the Monterey Peninsula Regional Park District. Members of the Carmel River Steelhead Association, who for years have conducted fish rescues in the lowest reach of the creek that normally goes dry because the low flows seep into the Carmel Valley alluvium, observed that the stream went dry there unusually early, and also observed the lack of flow farther upstream. Apparently your staff observed the same thing, and installed a new stream gage this summer in the normally perennial reach. It is entirely proper that the District should be concerned, since Garzas Creek provides both water supply for the Peninsula and habitat for steelhead and other organisms.

We have also observed that Moores Lake in Rancho San Carlos, an impoundment on Garzas Creek, was drawn down at a time of year when normally it is close to full or spilling. The attached photos document the lowered lake level. They were taken between November 8th and November 11<sup>th</sup>, 2001. Due to the early rains, the lake should have been close to full or spilling, rather than 5 feet low and going down several inches a day, as it was doing.

We do not think it is coincidental that as the use of water on Rancho San Carlos went up, the flow in the stream went down. John Williams, an environmental hydrologist and former member of your board, has examined the available data, graciously provided by your staff, and has provided a preliminary analysis of them in the attached letter. Although critical monitoring data that were supposed to be collected by Rancho San Carlos are not, or at least not yet, available, he concluded that there is no plausible hydrological reason, other than consumptive use on Rancho San Carlos, that flow in the creek this year should have been unusually low.

We ask that you examine the information that we are providing and take the following actions:

1. Direct your staff to continue and to expand its efforts to monitor the situation, and to pursue the monitoring data that should have been collected by Rancho San Carlos.
2. Officially ask Monterey County to ensure that hydrologic ally-related conditions on the Rancho San Carlos permit are fully enforced.

3. Direct your General Manager and counsel to meet with us and with the Carmel River Steelhead Association to consider filing a joint complaint with the State Water Resources Control Board, on the basis that at least some of the wells on Rancho San Carlos are diverting the subsurface flow of Garzas Creek.

Sincerely,

Gillian Taylor

Chair, Ventana Chapter Sierra Club

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Footnote #1: In this regard, please note that there is an important new report on the extent of the SWRCB's jurisdiction over groundwater, by Professor Joseph Sax of the University of California Berkeley School of Law. It is available at [www.waterrights.ca.gov](http://www.waterrights.ca.gov), under "hearings" and then "special projects."