



County of Monterey

Board of Supervisors

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October 8, 2024

VIA E-MAIL AND U.S. MAIL

Board of Directors
Shandon-San Juan Water District
P.O. Box 150
Shandon, CA 93461
admin@ssjwd.org

Re: Shandon-San Juan Water District Amended Applications A033189 and A033190

Dear Board Members:

It has come to the attention of the Board of Supervisors of the County of Monterey ("County") and the Monterey County Water Resources Agency ("MCWRA") that the Shandon-San Juan Water District/Shandon-San Juan Groundwater Sustainability Agency ("Shandon") recently filed with the State Water Resources Control Board ("SWRCB") amended water right applications A033189 and A033190 to appropriate water from the Nacimiento and Salinas Rivers. Materials submitted with the two applications indicate that Shandon may be contemplating the commencement of an action against MCWRA to condemn rights of access to Nacimiento Reservoir. As you know, MCWRA owns and operates Nacimiento Reservoir and associated public works for the benefit of more than a quarter-million people living in communities downstream of the confluence of the Salinas River.

More specifically, materials submitted to the SWRCB included a letter dated July 2, 2024, from Shandon's legal counsel under the subject line "Authority to Access Nacimiento Reservoir and Pipeline." This letter asserts that Shandon possesses legal authority under its enabling act and Code of Civil Procedure section 1240.510 "to condemn property even if it is already dedicated to a public use." (Letter from Alan F. Doud to Steve Sinton dated July 2, 2024, p. 2.) In a letter to the SWRCB dated July 24, 2024, the District stated that it will rely on Mr. Doud's letter "[i]f cooperation does not eventually result in permissive access." (See Chairman Willy Cunha, letter to State Water Resources Control Board, Division of Water Rights, July 24, 2024, at p. 3.). Finally, Resolution No. 24-002, adopted by Shandon Board of Directors on July 24, 2024, states:

The District will take all steps necessary to secure access to facilities needed to support and complete its recharge projects in the Paso Robles Groundwater subbasin and support and engage in other recharge projects that will help meet the goals and objectives of the Groundwater Sustainability Plan. (Resolution, p. 1)

The entirety of storage space available in Nacimiento Reservoir and use of its associated public works is utilized by a quarter-million people living in communities downstream of the confluence of the Salinas River who have paid for its construction, maintenance, and operation for over 65 years. While we appreciate the challenges the Sustainable Groundwater Management Act has presented to many regions throughout California, including in Monterey County, it is inappropriate for Shandon to place new burdens on others that have in no way contributed to the problems you now face.

For these reasons, the Board of Supervisors of the County and MCWRA will vigorously oppose any attempt by Shandon to condemn or otherwise acquire rights of access to Nacimiento Reservoir and associated public works. The water supply, environmental and flood control benefits provided by these public facilities are of critical importance to the citizens of Monterey County. The County and MCWRA are prepared, if necessary, to vigorously protect its interests in all appropriate administrative and judicial forums.

Please direct any reply correspondence to the undersigned with copies to Assistant County Counsel Kelly L. Donlon at DonlonKL@countyofmonterey.gov and MCWRA Special Counsel Kevin M. O'Brien at kobrien@downeybrand.com.

Sincerely,

Chair Glenn Church
Board of Supervisors of the County of Monterey
Board of Supervisors of the Monterey County
Water Resources Agency

cc: Ara Azhderian, Monterey County Water Resources Agency