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Ruth Log PAGE 01
420 "E" Street
Needles, CA 92363
760/326-2519

March 8, 2000

G13

Governor Gray Davis
State Capitol
Sacramento, California

Mr. Tim Salt, District Manager
California Desert District, Bureau of Land Management
United States Department of the Interior
6221 Box Springs Boulevard
Riverside, CA 92507-0714
Attention: Mr. James Williams

CERTIFIED MAIL NO. Z 261 983 420
VIA FAX 1 909/697-5299

Ms. Molly Brady, Area Manager
Needles Field Office
Spikes Road
Needles, CA 92363

VIA FAX 1 760/326-7099

Mr. Stephen N. Arakawa, Manager
Water Resource Management Group
Metropolitan Water District - a California Public Agency
P. O. Box 54153
Los Angeles, CA 90054-0153
Attention: Mr. Dirk Reed, Mr. Jack Safely

CERTIFIED MAIL NO. Z 261 983 418
VIA FAX 1 213/217-6119

San Bernardino County Supervisors
County of San Bernardino, Planning Division
385 N. Arrowhead Ave
San Bernardino, California 92415-0181

VIA FAX 1 909/387-3223

Re: COMMENTS AND ALLEGATIONS WITH REGARD TO THE PROPOSED "CADIZ GROUNDWATER STORAGE AND DRY-YEAR SUPPLY PROGRAM DRAFT ENVIRONMENTAL IMPACT REPORT DRAFT ENVIRONMENTAL IMPACT STATEMENT SCH. No. 99021039" AKA

"THE GRAY DAVIS WATER & DOLLAR HEIST OF Y2K"

Dear Governor Davis and Supervisor Davis, Mr. Tim Salt, Mr. Stephen N. Arakawa, San Bernardino County Board of Supervisors;

We object to the further abuse of public funds to illegally fund and process the above referenced private project and EIS/R in the vainly taken name of "public benefit." The subject EIS/R is inadequate and deficient in that it fails to state the true purpose, nature and impact of the proposed project including FAILURE TO STATE THAT THE APPROVAL/IMPLEMENTATION OF ANY OF THE PROPOSED ACTIONS WILL RESULT IN:

G13-1

1) *abuse of public funds to unnecessarily transfer millions of acre feet of public water for free to a private corporate "farm" (Cadiz Corp. of Santa Monica)* Any public money spent on this project, including that money spent on the no action alternative, was too much and should have never been approved. Why should rate payers pay to transfer Colorado River water for free to a private farm? Channeling water to the Cadiz Farms for "storage" serves no beneficial PUBLIC purpose. Currently, there is not enough water available to fill even the aquifers which the Metropolitan Water District has available for storage purposes. There is no need to route the existing supply of Colorado River Water northward 60 or so miles to the Cadiz Farms and back before the water goes to the East Valley (Diamond) Reservoir. With evaporation and the

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current use, the East Valley Reservoir will take years to fill given the amount of water which is available to fill it. The Salton Sea and the groundwater beneath San Bernardino needs to be flushed and replenished and it, too, will demand a continuous supply of water for filling it...more water than is currently available and/or environmentally sound to take from the Colorado River and San Francisco Bay is already needed—there is no reason for water to be sidetracked to Cadiz.

G13-2

Yet, if approved, this EIS/R will enable the MWD to charge rate payers up to 50% of the cost of building pipelines to the Cadiz Farms and to top of that, rate-payers will pay the farm to hold the water for them at \$90 per acre foot of water! What will the twisted minds of politicians and their agents think of next with the help of this Englishman, Brackpool, friend of the Governor. Where is the "Government for the People" who are supposed to be watch-dogging the public's pocketbook?

2) abuse of public funds to install wells for free for use by a private corporate "farm" (Cadiz Corp. of Santa Monica). Wells do not need to be built on private land at the Cadiz farm. Wells can be installed near the existing aqueduct where underground water basins also exist.

G13-3

3) abuse of public funds to pay a private "farm corporation" for water which does not belong to the corporate "farm" (Cadiz Corp. of Santa Monica). Why should the public pay Cadiz Corporation for water that they will mine from underneath the public's land. Simply put the wells on public land.

G13-4

4) abuse of public funds for payments to a private "corporate farm" (Cadiz Corp of Santa Monica) for water which can be extracted on public lands OR which can be extracted for less cost on private lands adjacent to or under the existing MWD aqueduct. Fenner Valley and the area under the farm is not a closed basin, but is instead an underground river which flows to the Colorado River. Thus, the only reason canals or pipelines would be needed to Fenner Valley, is not for storage purposes, but for the purpose of (unnecessarily) paying a company for mined water which could successfully be siphoned, extracted, or drawn in the area immediately adjacent to and under the existing MWD canal in the Saltmarsh, Danby, and Rice areas where the water naturally surfaces on its own. Historic maps reveal that the MWD already has siphons at Saltmarsh. It is alleged that it is illegal for the MWD to siphon water from one basin and transfer it to another, but the map leads one to believe that this is what the MWD has already been doing for years without an EIS/R.

G13-5

5) abuse of public funds to unnecessarily make payments to a private corporate farm for water which is not needed for public purposes. The EIS/R admits that the service area of the MWD will continue to grow whether or not they get this additional water. The EIS/R admits that domestic use in the service area can be drastically reduced (through conservation, using natural vegetation, etc.) without affecting drinking or supplies needed for health and safety. Further, the water will most likely be used for recreation purposes at "Diamond Lake AKA Dominigoni Dam, East Side Reservoir robbing from the beneficial uses in the area where the water is proposed to be taken from.

G13-6

6) VIOLATION OF THE CALIFORNIA DESERT PLAN. On May 24, 1999 I submitted an objection to the BLM Needles Field Office stating that legal authority for mining and transferring basin groundwater in California for wholesale purposes has not been shown to exist and that the BLM appeared to be engaging in processing an application for an illegal activity. This objection is further supplemented as of this date with the objection to the processing of applications by the BLM for the purpose of proposed mining and transfer of basin groundwater in the California Desert District because there is no provision for such activity in the California Desert Conservation Area (CDCA) Plan (Desert Plan of 1980). The subject Draft EIS/R does not propose to amend the Desert Plan to provide for the mining of water and transferring of basin groundwater in the CDCA. Instead it is a proposal to amend a pipeline corridor to the existing corridors already provided for in the Desert Plan, which is a different kind of plan amendment, site specific, for a purpose which is already provided for. What I am talking about is the FAILURE TO BEGIN THE PLAN AMENDMENT PROCESS for amending the Desert Plan FOR A PURPOSE WHICH IS NOT PROVIDED FOR IN THE DESERT PLAN..."WATER MINING." Water mining does not fall under the same authority as other mineral mining. Water law is

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separate and distinct from Mining Laws for Rocks and Minerals. To amend the Desert Plan to provide for water mining would require the BLM to review water law and to determine the overall impact and cumulative effect of water mining throughout the CDCA and to make a determination of which areas in the CDCA are suitable. Once again, the BLM has the cart before the horse. The BLM has allowed a project proponent to make a determination of suitability narrowing plans for water mining to one location before offering the public the opportunity to help in determining suitable areas from throughout the CDCA. The BLM also did this in Ward Valley (on the nuclear waste dumping application) and got their "tit caught in a ringer" over it. The BLM is again exposing the public trust to liability and legal action by processing applications for activities which are not presently allowed in the CDCA and making no attempt to complete a separate Plan Amendment proposal to provide for the presently unlawful activity of "water mining" in the CDCA.

G13-7

With this EIS/R, the State of California and the Federal Government is guilty of a) aiding and abetting MWD and Cadiz Corporation to sell water that does not rightfully belong to them, b) rewarding wrongful behavior instead of prosecuting existing MWD transgressions. Unauthorized siphons in Ward Valley (Saltmarsh) and in other ground water basins should be investigated and prosecuted. Ongoing water heists and mining of water without authorization and without studies of the effect upon surrounding environment should be prosecuted. Illegal political activities in communities that would be adversely affected by MWD water heists should be prosecuted. What are we paying the BLM Desert Rangers and Special Investigators for???

G13-8

Instead, when citizens (i.e. ME) speak out about what MWD is doing, the MWD thugs at the law offices of Best, Best and Krieger terrorize and wrongfully and maliciously prosecute, with taxpayer dollars and mob tactics. For example, MWD's attorneys at BB&K are the same attorneys which represented the City of Needles when \$450,000 in City funds were diverted and/or misallocated when the money was supposed to be used for the specific purpose of installing a water well test/development program in Ward Valley on my vote as a Needles City Councilmember. The money was misallocated, the project died, but the responsible parties were not prosecuted for misappropriating the funds. Instead, BB&K prosecuted me on trumped up, malicious charges about an unrelated issue which they did not win, but in the process caused me allot of pain, suffering and expense. This is the kind of political tactics that MWD and their attorney's BB&K use against political participants who oppose what they are doing. And, as it turns out, our new Governor appears unlikely to do anything about it, since he is right in there, friends with Cadiz's Brackpool and apparently the MET boys downtown. I would still like to know where that \$450,000 went to??? Meanwhile, the Fenner wells will down draft the Ward Valley aquifer, so there will be no need for the people of the City of Needles to worry about making any money off of water sales.

7) STOLEN WATER and a deficit of over forty years worth of natural recharge in Fenner, Ward and Piute Valley, by mining two million acre feet of water of pristine, relic water that is not rightfully their own and not for use for beneficial purposes within the basin from which it is being taken.

G13-9

So what is really happening? This project is in reality a heist of ground water in the Fenner, Ward and Piute Valley upstream from the private corporate "farm" Cadiz of Santa Monica. At my last review of the law, it was illegal to mine water from a basin for transfer to another basin, without the permission of the land owners in the basin. Unless the law has changed, the agencies responsible for the subject EIS/R have been engaging in a scheme, an illegal taking of property. The legal term for what amounts to more than one person scheming to take or destroy someone else's property illegally is "conspiracy."

The state should be requiring Brackpool & CO (Cadiz) to pay for any water transfers to their farm from the Colorado River. It is a slap in the publics face to tell us that 1) we must pay Cadiz to take our water, 2) we must pay Cadiz to store our water, 3) we must pay Cadiz when we want to use our water. The Chief Executive Officer of Cadiz is Keith Brackpool. Governor Davis' top water advisor by all appearances, is Keith Brackpool, who (according to reports on file with this office) donated \$133,000. to then-candidate Gray Davis in 1998. This is an absolute insult to the intelligence of People of State of

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California. What a disappointment to see Governor Davis filling key political appointments with his campaign contributors who own stock in Cadiz, and whose future donations to his campaign have a good chance of being reaped from dividends of the very project which the Governor seeks to subsidize with public funds, via a \$50,000,000 bond issue and large payments out of the MWD in the name of "water storage." Rusy Arias, who was Cadiz' lobbyist, is now Governor Davis' Chief of State Parks. Of course that will mean he will oversee the doings at Diamond Lake (Dominigoni Dam, East Side Reservoir, Hemet) where Colorado River/Fenner Valley water appears to be headed. So Hemet gets the water that in reality belongs to the people living on the Lower Colorado River. The economic impact of transferring recreation opportunities to Hemet and depriving the Colorado River region of economic/recreation opportunity was not discussed in the EIS/R and this is a major flaw and deficiency in the report.

G13-9

Further, what incremental payments that Cadiz will specifically receive from State funds since Proposition 13 passed is something that the public should be informed of. To what extent is this private company being subsidized by the State?

The title on the cover of this document "...Dry-Year Supply" is a cover-up of the real intent of this project. The title of the document is more appropriately named "How to divert millions of rate payer dollars into the hands of politicians and their friends." Simply, the project amounts to no more than the taking of millions of excess funds being charged to Southern California water rate payers and diverting it to a shell company (Cadiz) where the money can then be distributed to stock holders who kickback(?) and contribute to the campaigns of the officials who are behind this project. And what a well devised and perfectly executed plan it has been up until this point. The EIS/R has all the characteristics of a legal document. The cost of writing it was paid for by the State in the name of public benefit.

7a) unfair and wrongful curtailment of the natural flow of underground streams to existing beneficial uses such as in Needles and Havasu Landing, California and a deficit of over forty years worth of natural recharge in Fenner, Ward and Piute Valley, by mining two million acre feet of water of pristine, relic water that is not rightfully their own and not for use for beneficial purposes within the basin from which it is being taken.

G13-10

This deficit and its effect upon the flow of groundwater, natural springs, artesian wells, and wildlife that depend upon these water resources should have been more carefully analyzed in the draft EIS/R. When the salt water from Bristol and Cadiz Lakes flows to fill the cone of depression beneath the extraction wells, that pristine aquifer will be meaningfully degraded forever. This is probably against the law and clearly against the spirit of sensible groundwater management.

Curiously and suspiciously, the EIS/R inadequately and inaccurately portrays the connection of the underground aquifers which include Fenner, Piute and Ward Valley. Various geological/hydrological studies document the connection of the aquifers and the present EIS/R inadequately addresses the conclusions made in reports prepared for the Cataellis Corporation and the City of Needles (Law/Crandal) that these aquifers are connected and that an interchange of basin water exists. Further, USGS Geologists/hydrologists (including Howard Wilshire) documented connecting pathways in reports made to the National Academy of Science, more public record which was inadequately cited in the present EIS/R. Inadequately, or not addressed at all is the adverse impact which the down draft of water in the Fenner Valley would have upon the connected aquifer in Ward Valley which is tributary to the wells in Needles and the Havasu Landing. Necessary test wells and geologic data such as faults, fissures and valleys in the connecting links between Fenner and Ward are lacking in the report. Ground water flow patterns have not been tested adequately, thus the impact of the wells at Fenner upon the surrounding wells and springs are unknown.

It is understood that a USGS scientist said in a Feb. 23 letter to the U.S. Bureau of Land Management that the assumptions used to estimate the recharge rate were "not defensible" and that the plan assumes

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the groundwater will be naturally replenished five to 25 times faster than is possible. The USGS, should determine if the figure would be "defensible" if replenishment by Ward Valley and Piute Valley aquifers were figured into the calculation. My own research indicates that it would be possible to draft 2 million acre feet of native water by putting in wells in Fenner, however the area impacted would include basins that go far beyond Fenner—down drafting that much water in Fenner would adversely effect the recharge in Piute Valley, Ward Valley, Needles, Havasu Landing, and all of the wells and natural springs in and in between; further, the EIS/R is inadequate and deficient because it does not address the impact of the project upon wildlife, recreation, agriculture, economic development and human populations in these areas.

G13-10

8) MORE STOLEN WATER: *Stolen water is stolen water, no matter what bank it is put in.* "The plan is part of several large storage projects designed to wean California down to its legal share of Colorado River water..." (Andrew Silver, San Bernardino Co. Sun, March 4, 2000). The proposed project is an attempt to steal the water now, while the MWD can still get away with it. This plan proposes an illegal act, "theft." Proposed is the taking of Colorado River water that is more than the MWD's legal allocation, so that it can be held by the MWD for a time when they project there will be a profit on it. Any MWD proposal to increase its present Colorado River water allocation should be addressed in a separate EIS which should be circulated to all of the affected States and Countries.

G13-11

The various scenarios serve to confuse the public as to the REAL purpose of this project which goes unstated but should be described as a costly scheme to divert public funds for private and political purposes by engaging in an unnecessary water transfer project. The various scenarios described, in effect, leave the public with no idea of what the real project is: Will the millions of acre feet of water be transferred over a period of 50 years or will it all be transferred early on, in the first year, to fill up the East Side Reservoir (Diamond Reservoir)? We really don't know and it really makes a difference in reporting the effect upon the environment. The draft EIS/R is deficient, misleading, confusing and dishonest.

8a) BETRAYAL of the true adverse impact of the project upon the ecosystems/ environment of the Lower Colorado River and the Gulf of California. Proposed is the "taking" or heist of more Colorado River water than is legally allocated to the MWD. The present EIS/R should be predicated by a "LOWER COLORADO RIVER Environmental Impact Statement" prepared by the Department of the Interior to determine what effect the present allocation of water and "surplus" water is having upon the environments of Lower Colorado River/Gulf of California ecosystem and what impact an increase allocation might have.

G13-12

9) ENVIRONMENTAL INJUSTICE: The MWD already extracts more than its legal share of Colorado River water, calling it "surplus." Has the MWD/BLM requested comments from the Mexican Consulate? What is Mexico's stand on this new water heist project. Wouldn't this EIS be more appropriately named the "Kill Native American/Mexican Children South of the Border EIS" since cutting off the water supply to northwestern Mexico has certainly been responsible for this? The EIS/R fails to address the issue of the effect of diminishing tributary ground water into the Needles and Havasu Land water system. The people in these communities are economically depressed and politically disenfranchised. Minority Hispanics, Native Americans, Mojaves, Southern Paiute, Navajo, and Hopi and Children of all colors are a major part of the population, and will be adversely affected by the project, but socioeconomic factors are not addressed in the EIS/R.

G13-13

10) FAILURE TO ADDRESS THE STATUS QUO ALTERNATIVE: The no project alternative should be the 9,600 acres of farming as it stands now, using only water resources that are naturally recharged—but this alternative is not included. The EIS/R is lacking in addressing the issue of pollution from pesticides/herbicides used on the farm. Are these chemicals polluting the water downstream, and is this another reason why the MWD does not propose wells downstream and closer to the aqueduct?

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If the Cadiz Farm operation were a high-tech operation, they would, more than likely, police themselves with regard to a significant degradation of the groundwater resource. In accordance with the plans called for in this EIS/R, it appears that Cadiz Farms are going to mine the water and move on. This EIS/R proves that Keith Brackpool, Ted Dutton and company were not serious farmers, but simply water speculators with friends in the "right" places.

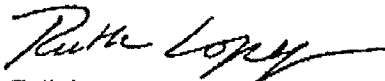
613-14

Missing from the EIS/R is a copy of the current agreement between Cadiz and Metropolitan Water District. I am requesting a copy of this agreement under the California Records Act, whether or not it is included in the EIS/R

613-15

WATER, DOLLAR, AND POWER TO THE PEOPLE—NOT THE MW(OB) D.

Submitted by,



Ruth Lopez

760/326-4318 or 760/326-2519