

RECEIVED MAY 21 2008

May 19, 2008

Wade Freedle, President
Sierra Lakes County Water District
P.O. Box 1039
Soda Springs, Ca. 95728-1039

Dear Mr. Freedle:

Based on your response to my April 28 letter, I assume that the SLCWD does not plan to measure or bypass the July, August and September inflow into our lakes this summer.

We have family members who have been ranchers along the American River for five generations. They are going out of the ranching business because they no longer have enough water to get them through the summer. Developers will be buying their property, while we are "managing" our lake level for our boating pleasure with part of their summer water supply.

Attached is a copy of my letter to the State Water Resources Control Board.



Al Le Bel

Attachment

May 16, 2008

State Water Resources Control Board
Division of Water Rights
P.O. Box 2000
Sacramento, Ca. 95812-2000

Re: Water Rights Interpretation & Enforcement

I own a lakefront home on Serene Lakes, at Donner Summit. A proposed development in our water district is imminent, and there are existing vacant lots to be developed. I am concerned about the effects of increased water usage on the lakes, so I am interested in making sure that all relevant factors are considered in determining our annual water supply. One of the components of our water supply is the inflow of water to the lakes during the months of July, August and September. The Sierra Lakes County Water District's water rights permit No. 14248 (Application 20601) requires that the July, August and September inflow to Serene Lakes be bypassed into Serena Creek. I asked the Sierra Lakes County Water District if it plans to release this year's July, August and September inflow simultaneously with its inflow, and the response was that it is a policy matter that will depend on unknown conditions. I believe this is a water rights issue, not a discretionary policy issue.

This letter is a request for interpretation and enforcement of the terms of Water Rights Permit No. 14248 (Application 20601) relative to bypassing the inflow of surface water into Serene Lakes during the months of July, August and September. If a formal complaint is required, I have attached a completed Complaint Form, and the required information for that form is included in this letter.

Complainant: Al Le Bel,
P.O. Box 934, Soda Springs, Ca. 95827
(530) 426-9310

Respondent: Sierra Lakes County Water District, Permit No. 14248 (Application 20601)
P.O. Box 1039
Soda Springs, Ca. 95728-1039

Location of Respondent's Diversion: Serena Creek, Placer County (Permit No. 14248, Application 20601)

Description of Complaint: The Sierra Lakes County Water District (SLCWD) has water rights to divert up to 1,177 acre-feet of water during the period from October 1 through June 30. The source of the water is surface water, primarily from snow melt, that would normally flow into Serena Creek, a tributary of the American River system, a fully allocated system. The Serene Lakes dam was fitted with a weir and low-flow outlet gate in 1969, specifically for the purpose of allowing releases of inflow during the period from July 1 to September 30. It appears that the SLCWD has not complied with its water rights permit requirement to bypass water simultaneously with its inflow into Serene Lakes during the period July 1 through September 30

for many years, if ever.

Instead, SLCWD has stored the inflow, to enhance the esthetics and recreational use of the lakes. In a December 12, 2007 memo (copy attached), the SLCWD's operations manager, Bill Quesnel, documented the dates and cubic feet of releases from Serene Lakes into Serena Creek during the month of October, 2007, three months after the July, August and September timeframe began. There is no description of the methodology used to determine the inflow volume during July, August and September of 2007, which would be necessary in order to release an equal volume. The memo also states that the SLCWD "...is not authorized to collect water to storage during the period from about July 1 to September 30 of each season to offset evaporation and seepage losses or any other purpose", and, "...the purpose of this memorandum is to document the release of surface water that entered the lakes during the period of July 1 to September 30, 2007."

In April, 2008, the SLCWD Board of Directors adopted Resolution 2008-787 (copy attached). In the text of Resolution 2008-787, Section One, item 5, it states that "The permit requires the District to operate the dam to bypass all surface water inflow into Serene Lakes between July 1 and September 30", indicating that the SLCWD Board is aware of the requirement. However, in Section Two of the Resolution, the SLCWD Board adopted a policy of managing the water surface elevation of the lakes at a target level (three feet below spillway elevation) that could not be achieved without storing the July, August and September inflow, rather than bypassing it. When the policy was questioned, Resolution 2008-787 was rescinded in May, 2008, the month following its adoption.

Possible Resolution of Complaint: SWRCB should investigate to determine whether SLCWD is violating the terms of its water permit relative to the bypassing of inflow during the months of July, August and September. If SLCWD is not in compliance, SWRCB should consider an amendment to the water rights permit to allow diversions during July, August and September. If an amendment is not feasible, a methodology for accurately measuring surface water inflow should be developed to facilitate compliance with the permit. The SWRCB should assist SLCWD in measuring inflow and outflow during the period July 1 through September 30, 2008. I don't believe that punitive action would serve any useful purpose.



Al Le Bel

Attachment

cc: Sierra Lakes County Water District



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Division of Water Rights
1001 I Street, 14th Floor • Sacramento, California 95814 • 916.341.5300
P.O. Box 2000 • Sacramento, California • 95812-2000
FAX: 916.341.5400 • www.waterrights.ca.gov

Arnold Schwarzenegger
Governor

WATER RIGHT COMPLAINT

For information in filling out this form,
see pamphlet titled "Investigating Water Right Complaints"

CID# _____
File: _____
(For staff use only)

Complainant

<u>AL LEBEL</u>	<u>(530)426-9310</u>
(Name)	(Phone No.)
<u>P.O. Box 934, SODA SPRINGS, CA</u>	<u>95728</u>
(Address)	(Zip Code)

Party complained against (Respondent)

<u>SIERRA LAKES COUNTY WATER DIST.</u>	
(Name)	(Phone No.)
<u>P.O. Box 1039, SODA SPRINGS, CA</u>	<u>95728</u>
(Address)	(Zip Code)

Location of Respondent's Diversion

The diversion is located on: SEE ATTACHED LETTER
(Name of Spring, Stream, or Body of Water)

At a point within _____ % of _____ % of Section _____ T _____ R, _____ B&M

County of _____ Assessor's Parcel No. _____

The general location is as follows: _____
(Name of Road, Distance to Nearest Town, Etc.)

Description of Complaint

The following situation or condition is occurring (attach additional sheets, photographs, maps, sketches, reports, etc. as needed.)

SEE ATTACHED LETTER

Injury to Complainant or Public Trust Resources

The situation is causing injury to me or public trust resources as follows (attach additional sheets if necessary):

Possible Resolution of Complaint

I offer the following possible solution to the situation (attach additional sheets if necessary):

SEE ATTACHED LETTER

Complainant's Diversion and Water Rights (Fill in if Injury Claimed)

My diversion is located on: _____
(Name of Spring, Stream, or Body of Water)
At a point within _____ 1/4 of _____ 1/4 of Section _____ T _____ R, _____ B&M
County of _____ Assessor's Parcel No. _____
I use water for (what and where): _____

The basis of my claim to divert water is:
 An appropriative right under License No. _____, Permit No. _____, Application No. _____
 A Riparian or pre-1914 claim supported by Statement of Water Diversion and Use No. _____
 Other (Describe): _____

A copy of this complaint has been sent to the Respondent by:

- Certified Mail Regular Mail Personal Delivery

I declare under penalty of perjury that the above is true and correct to the best of my knowledge and belief.

Signature Al Paul Date 5/16/08

NOTE: Send original Complaint to the Division of Water Rights and a copy to the Respondent. Forms for submitting an Answer to Complaint will be sent to the Respondent by the Division of Water Rights.

Memorandum

To: File
From: Bill Quesnel, Operations Manager
Subject: Serene Lakes Dam Release
Date: December 12, 2007

In accordance with State Water Rights Board Application 20601, and the terms of the subsequent permit issued on January 9, 1964, the Sierra Lakes County Water District is not authorized to collect water to storage during the period from about July 1 to September 30 of each season to offset evaporation and seepage losses or any other purpose.

The purpose of this memorandum is to document the release of surface water that entered the lakes during the period of July 1 to September 30 2007. The total amount of water released was 17.3 acre-feet as calculated by Mary Hall while employed by the District during the summer of 2007. The dam was fitted with a v-notch weir and low-flow outlet gate in 1969. The installation included a removable weir plate and a gage plate on the dam structure that indicates flow over the weir.

Flow releases occurred during the period of October 10, 2007 through October 23, 2007. Specific releases were:

- 10-10-07 11:30 hours to 10-10-07 15:30 hours @ 2 cfs = 28,800 cubic feet
 - 10-11-07 13:30 hours to 10-21-07 16:30 hours @ 0.5 cfs = 437,400 cubic feet
 - 10-21-07 16:30 hours to 10-23-07 08:30 hours @ 1.0 cfs = 230,400 cubic feet
 - 10-23-07 08:30 hours to 10-23-07 16:30 hours @ 2.0 cfs = 57,600 cubic feet
- TOTAL = 754,200 cubic feet**
= 17.3 acre-feet

Operation of the low flow outlet and weir plate was done by Jerry Dahlen, District Operator

(DRAFT) RESOLUTION NO. 2008-787**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SIERRA LAKES COUNTY WATER DISTRICT CONCERNING THE
POLICY FOR MANAGEMENT OF SERENE LAKES FOR WATER
SUPPLY, WATER QUALITY, AESTHETIC, ECOLOGICAL AND
RECREATIONAL PURPOSES**

BE IT ORDAINED by the Board of Directors of the Sierra Lakes County Water District, Placer County, California, that the District adopt the following policy for the management of Serene Lakes for water supply, water quality, aesthetic, ecological and recreational purposes:

SECTION ONE. Findings.

The Sierra Lakes County Water District (District) Board of Directors finds:

1. Two natural lakes, Lake Serena (the upper lake) and Lake Dulzura (the lower lake) are inundated by Ice Lakes Dam to create a single water body commonly known as Serene Lakes or Ice Lakes. Serene Lakes are the water supply and the principal aesthetic and recreational amenity of the existing Serene Lakes Subdivision and the District's service area.
2. The elevation of the dam spillway crest is 6873.67 feet NGVD 29. The elevation of the culvert connecting the lakes and dam is 6870.3 feet NGVD 29, or 3.37 feet below the spillway crest.
3. The District was created to provide water and sewer service to the District's service area.
4. Serene Lakes are currently used for swimming, non-motorized boating, fishing, wildlife viewing, and similar recreational purposes.
5. The District obtains all of its water supply from Lake Serena pursuant to water right Permit No. 14248 (Application 20601). The District's diversion pipe is located in Lake Serena. The Permit requires the District to operate the dam to bypass all surface water inflow into Serene Lakes between July 1 and September 30. The water surface elevation of Serene Lakes must exceed the culvert elevation of 6870.3 feet in order to assure the District's ability to bypass inflow in accordance with the terms of the Permit.
6. In times of drought, reduced inflow to Serene Lakes, and/or high water diversions from Serene Lakes, the water elevation of the Lakes could drop enough to expose large areas of lake bed and to physically separate Lake Dulzura from Lake Serena. A water surface

elevation of approximately 6870 feet is necessary to maintain a surface water connection between Lake Serena and Lake Dulzura.

7. Since the 1970s, the District has managed its water diversions and dam releases to prevent the elevation of the Lakes from dropping more than three feet below the dam spillway in order to maintain a contiguous surface connection between Lake Dulzura and Lake Serena for water supply and water quality purposes, and to not interfere with the community's recreational rights. The historic minimum water surface elevation was approximately 6870.9 feet, or approximately 2.8 feet below the dam spillway crest.
8. A detailed bathymetric survey of Serene Lakes was conducted in 2007. The survey confirms that expansive areas of the lake bed would be exposed if water elevations were dropped more than three feet below the dam spillway crest.

SECTION TWO. Policy for Management of Serene Lakes Water Surface Elevation for Water Supply, Water Quality, Aesthetic, Ecological, and Recreational Purposes.

The District hereby adopts the following policy:

The District shall manage the water surface elevation of Serene Lakes in consideration of water supply, water quality, recreational, and aesthetic purposes. The District shall strive to not lower lake elevations to levels where the water supply, water quality, aesthetic, ecological and recreational values of Serene Lakes would, in its judgment, be significantly degraded. The District finds that these purposes will be reasonably balanced and not significantly degraded by maintaining a target minimum lake elevation of 6870.67 feet NGVD 29, or three feet below the crest of the dam spillway. The District acknowledges that natural hydrologic variability outside the control of the District may prevent maintenance of this minimum elevation target at all times in some seasons. The District shall consider this minimum elevation target and purposes maintained by the elevation target when acting upon new requests for water service. The District may in the future adjust the minimum lake elevation target as appropriate for the maintenance of water supply, water quality, recreational uses, and aesthetic and ecological values.

SECTION THREE. Inconsistency.

To the extent that the terms and provisions of this Resolution may be inconsistent or in conflict with the terms and conditions of any prior District ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Resolution will prevail with respect to the subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rule or regulations are hereby repealed.