

**From:** David Mueller  
**Sent:** Tuesday, July 07, 2015 11:26 PM  
**To:** Lori Lamson  
**Subject:** Initial Study- Town of Apple Valley & Apple Valley Ranchos Water System Acquisition Project

Town of Apple Valley  
Attn: Lori Lamson, Assistant Town Manager  
14955 Dale Evans Parkway  
Apple Valley, CA. 92307

Since the town didn't provide proper notice to the public. I attended the scoping meeting today ( July 7, 2015 ) unable to ask any pertinent questions of the consultants because the documents concerning the scope of this environmental study weren't published until the day of the meeting. Upon listening to the consultants presentation, I found they knew almost as little as I did concerning the specifics of this proposed acquisition. I was sent a copy of the documents later this evening and have briefly reviewed them.

I wish to protest the entire document that was sent to me, because it is so vague, that I have no idea how Rincon consultants can even identify what major areas of CEQA and the environmental subheadings will be impacted. The document should have sufficient enough detail to delineate what is fact Sent from my iPad

(#8) For instance, the town might manage the water system, or it could be subcontracted to someone else, or it might be turned over to another public agency? Each one of those options impacts a different set of possible environmental issues that would need to be addressed depending on who is going to be actually doing the work.

(#4 and #10 of the study) Town and Rincon consultants doesn't include all of the Apple Valley Ranchos Water Company assets in their scope. I'm assuming the recently court awarded and acquired Yermo Water District was not part of the study because it isn't within the jurisdiction of the town? Government Code Section 65402 requires the planning agency to make a finding of General Plan conformance whenever a governmental entity proposes to acquire or dispose of property. The town has decided to remove this asset from the study even though it is part of the Apple Valley Ranchos Water Company assets. They then include in Figure 1 of the study an area known as the Hacienda project in Fairview Valley which is two miles East of the town and outside town boundaries but in their Sphere of Influence. This would be the yellow areas OUTSIDE the General Plan boundaries of the Town of Apple Valley. The town has been told that the Apple Valley Ranchos Water Company isn't for sale. Indeed, it is division of Park Water Company, which is part of Western Water Holdings LLC., which in turn is owned by Carlyle Infrastructures, who recently sold Park Water Company to Liberty Utilities. On the macro scale, the town refuses to recognize that the Apple Valley Ranchos isn't for sale, because it has already been sold to someone else. On the micro scale, the town picks and chooses what assets of the Ranchos they will study for environmental impacts should their eminent domain seizure be successful.

(IX) Groundwater is identified as potentially significant unless mitigation is incorporated. This should be a significant finding requiring substantial evidence to prove that SB 610 and a WSA is current and not just reference a UWMP by the Mojave Water Agency (MWA), but provide proof through study of the aquifer.

The MWA has been telling the citizens of the High Desert that our aquifer is being seriously over drafted for the last fifty years. The Watermaster is tasked with tracking verified production from those wells that pump 10 acre feet of water or more from the aquifer. The verified production proves that we are indeed pumping more water than we are putting back into the aquifer as recharge from State Water Project (SWP) deliveries, or through reclamation projects. The last thorough study of the basin was done by the USGS in 1968. The State of California only recently has passed legislation that groundwater supplies be measured within the MWA boundaries. In the 1968 USGS study, the basin contained an estimated 30 million acre feet of water. That was forty-seven years ago. The above referenced Hacienda Project water supply was estimated to be 500,000 acre feet of water available and Terra Nova did their study in 2013. Please see both the Draft EIR and the FEIR for the project. The fact is, water is fluid and it moves around from one area to another depending on the geology and faults underground. We can't see what our groundwater levels are, so we use test well locations and measure depths in select areas. What we do know for certain is we use more than we put back in.

The MWA, without fail, always issues UWMP reports every five years that claim we have enough groundwater to last another twenty to thirty years beyond whatever project is being contemplated. In the case of the Hacienda project, the 2010 UWMP said we had enough water supplies to last until the year 2030. <http://www.desertnewspost.com/deserts-water-supply-approaching-historic-low/> note that one year after Terra Nova supplied their WSA for Hacienda, without any changes in water supply, water supply availability estimates increased fifteen years! The MWA are supposed to be the experts- more expert than Terra Nova apparently. The truth is, they have no idea beyond well measurements, what our aquifer condition truly is.

The adjudication doesn't limit how much water is pumped as long as the MWA is paid for replacement water. This explains why they said nothing when Victorville had Dr. Pepper Snapple Group come to the High Desert and build a west coast bottling plant, which uses millions of gallons of water a day. Likewise, the Town of Apple Valley need development dollars to fund their ever growing budgets. It also explains why one housing project after another has been approved for development in every city or town in the High Desert. The latest is the Tapestry Project in Summit Valley that would become a new master planned city of nearly 70,000 people. The MWA uses SWP water deliveries, conservation, and reclaimed water to issue these UWMP pronouncements that the aquifer has plenty of water. The trouble with this is we aren't getting SWP deliveries because of the drought. In fact the MWA has never taken their full allotment of 89,800 acre feet of water, even when they could have gotten it before this severe drought came about. The MWA uses two water rights purchases from Dudley Ridge and Berrenda Mesa Water Districts in Kern County to "pad" their assessments of water availability into the future. As I said, they don't take full entitlements when they can get SWP water. I've tracked their water deliveries for years. When they became an approved water agency within California, they were allotted 50,800 acre feet of water. Only once have they ever brought in their full allotment in their entire history. This means that the water rights that were bought, also never delivered a single drop of that

purchased water. It's just a paper transaction. We are living off of our groundwater.

The drought has all but eliminated the recharge we get in wet years. MWA board president Bev Lowry told the Daily Press newspaper that we have supplies to last three years. That was two years ago. If she is referencing "banked "water they claim in San Luis Reservoir, it isn't there. Even if it was, the state isn't moving much water this year in SWP. That leaves recharge from reclamation and conservation. People are pulling up grass to conserve, and water consumption is down, but we still are taking more water than we put back in. Most of Apple Valley isn't on sewer and the reclamation plant has broke ground but is not operational yet. My point here is nothing is slowing the approvals to build. The MWA has either lied to the public for fifty years about the actual status of our aquifer, or they are political appendages of the local municipalities, only doing the bidding of the BIA and local government by rubber stamping the UWMP every five years. Apple Valley has the Hacienda Project (3000 homes, 360 acres of park and a golf course), two recent large acreage General Plan zone changes for high density housing projects off of Sitting Bull Rd., and just approved the building of 400 homes in the Sun City senior living area ( using a mitigated negative declaration to get around EIR) and has numerous previously approved tracts to build out that are in various stages of planning approvals. The town will build this valley out. The MWA says there is plenty of water for all of these and more. Groundwater availability requires substantial evidence that this is so- not just an UWMP report from a biased authority which lacks a thorough investigation into its accuracy by a third party.

(#11) If the scope can't be defined, how can environmental areas of concern be defined? This document is fatally flawed.

The initial study document is fatally flawed and the EIR shouldn't be done until ownership, management, and assets involved in the scope have been settled. I'm challenging the entire initial study as flawed.

Sincerely,  
Mr. David Mueller  
Apple Valley

## Comment Sheet

Please let us know your concerns so we can address them in the EIR.  
Por favor, háganos saber sus preocupaciones para que podamos hacerles frente en el EIR.

Name / Nombre:

GREG RAVEN

Affiliation / Afiliación:

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community group member / residente, empresario,  
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July 7, 2015

Lori Lamson, Assistant Town Manager  
Town of Apple Valley  
14955 Dale Evans Parkway  
Apple Valley, CA 92307

Re: Apple Valley Ranchos Water System Acquisition Project: Initial Study

Ms. Lamson,

I understand that there is a call for comment on something called "Apple Valley Ranchos Water System Acquisition Project: Initial Study." Furthermore, I understand that this became available over your signature on June 24, 2015, with a hearing scheduled for July 7, 2015.

To date, I am not able to find a copy of this study on the website of the Town of Apple Valley. Nor am I able to find a meeting scheduled for July 7<sup>th</sup>. I am given to understand that these proceedings are not covered by the Brown Act, but they should at try to support Mayor Pro Tem Barb Stanton's position that transparency in Town government is job number 1.

All that aside, I am forced to go on record as protesting the objectives, premises, and findings of this study it their entirety. If the Town wishes to pursue this matter, I demand that it revise this study to include any new developments or changes, publish it in a timely manner, and give proper notice both of the availability of the study and any meetings concerning this study.

Sincerely,



Greg Raven